

6

VOLUME 1 OF 3

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

William P. Keesley, Circuit Court Judge

JERIOD PRICE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

ELIZABETH A. FRANKLIN-BEST  
Appellate Defender

HENRY DARGAN MCMASTER  
Attorney General

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589

JOHN W. MCINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

ATTORNEY FOR PETITIONER

BRIAN PETRANO  
Assistant Attorney General  
P. O. Box 11549  
Columbia, S. C. 29211

ATTORNEYS FOR RESPONDENT

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# ORIGINAL

State of South Carolina        )  
                                  )  
County of Richland            )

In the Court of  
General Sessions

State of South Carolina,        )  
                                  )  
                  Plaintiff,       )  
                                  )  
                  vs.               )  
                                  )  
Jeroid J. Price,                )  
                                  )  
                  Defendant.       )  
\_\_\_\_\_

2003-GS-40-2295

TRIAL

PARTIAL TRANSCRIPT

December 15, 16, 2003  
(Partial transcript of record)  
Richland County, South Carolina

Before the Honorable Reginald I. Lloyd, Judge

## A-P-P-E-A-R-A-N-C-E-S:

David M. Pascoe, Jr., Esq.  
Donald N. Sorenson, Esq.  
Bryan Jeffries, Esq.  
For the State

Cameron B. Littlejohn, Jr., Esq.  
Amye Rushing, Esq.  
For the Defendant

Rema K. Gantt  
Circuit Court Reporter

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5

E-X-H-I-B-I-T-S

(See attached exhibit list.)

6

## STATE V. JEROID PRICE

## EVIDENCE LIST

ADMITTED

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> AC | 1. Diagram inside club                           |
| <input checked="" type="checkbox"/> AC | 2. Diagram outside                               |
| <input type="checkbox"/>               | 3. <u>Diagram outside</u>                        |
| <input checked="" type="checkbox"/> AC | 4. Body diagram                                  |
| <input checked="" type="checkbox"/> AC | 5. <u>Bullet from V's body</u>                   |
| <input checked="" type="checkbox"/> AC | 6. Photo - Exterior front door                   |
| <input checked="" type="checkbox"/> AC | 7. - Exterior w/patrol cars                      |
| <input checked="" type="checkbox"/> AC | 8. - View exit → stage                           |
| <input checked="" type="checkbox"/> AC | 9. - Interior                                    |
| <input checked="" type="checkbox"/> AC | 10. - Back towards exit                          |
| <input checked="" type="checkbox"/> AC | 11. - Similar to #10                             |
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| <input checked="" type="checkbox"/> AC | 13. - Bar other angle                            |
| <input checked="" type="checkbox"/> AC | 14. - Bar - Bud Light banner in center           |
| <input checked="" type="checkbox"/> AC | 15. - Body - distance w/black chair              |
| <input checked="" type="checkbox"/> AC | 16. - Body w/markers 1 → 3                       |
| <input checked="" type="checkbox"/> AC | 17. - Body w/markers 3 → 6                       |
| <input checked="" type="checkbox"/> AC | 18. - Marker 1                                   |
| <input checked="" type="checkbox"/> AC | 19. - Marker 2                                   |
| <input checked="" type="checkbox"/> AC | 20. - Marker 3                                   |
| <input checked="" type="checkbox"/> AC | 21. - Marker 4                                   |
| <input checked="" type="checkbox"/> AC | 22. - Marker 5                                   |
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| <input checked="" type="checkbox"/> AC | 24. - Body in corner                             |
| <input checked="" type="checkbox"/> AC | 25. - Head on exit sign                          |
| <input checked="" type="checkbox"/> AC | 26. - Marker 7 distant                           |
| <input checked="" type="checkbox"/> AC | 27. - Marker 7 close-up                          |
| <input checked="" type="checkbox"/> AC | 28. - Marker 8 distant                           |
| <input checked="" type="checkbox"/> AC | 29. - Marker 8 close-up                          |
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| <input type="checkbox"/>               | 38. Tape - Δ's voicemails - <i>never existed</i> |

Jm Turt 12-19-03

- ☒ SS 39. Tape - V's 911 call
- ☒ MS 40. Photo line-up of defendant
- ☒ MS 41. Photo line-up of Ryan Brooks
- ☒ AC 42. .380 shell casing - marker 3
- ☒ 43. 40 cal. Shell casing - marker 4
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- ☒ 45. Bullet on exit sign - marker 7
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- ☐ ~~49. Cell phone - marker 2~~ does not exist
- ☒ 50. Photo Ryan Brooks - afro
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- ☒ 52. Photo Ryan Brooks - red bandana
- ☐ ~~53. Black 40 cal. demonstrative~~ does not exist
- ☐ ~~54. Chrome 380 demonstrative~~ does not exist
- ☐ 55. Diagram of differences between Brooks and A
- ☒ AP 56. Anthony Patrick's phone records
- ☒ SS 57. Jeroid Price's phone records
- ☒ 58. Joe Jones affid. IDing Brooks (#1 or 2)
- ☒ 59. Brooks advice of rights
- ☐ 60. Brooks statement 7 pp.
- ☒ 61. Photo of A + Jylyu
- ☒ SS 62. Bag of red clothing / hats
- ☒ SS 63. green bullet proof vest
- ☒ SS 64. blue bullet proof vest
- ☒ SS 65. camo flash jacket
- ☒ SS 66. Red notebook
- ☒ SS 67. "Blood" bible
- ☒ JW 68. J. Wood 12/02 stat.
- ☒ JW 69. J. Wood 1/03 stat.
- ☒ J.A. 70. GSW left arm - V
- ☒ A.P. 71. BB pistol - A.P.
- ☒ SS 72. 32 cal. ammo
- ☐ 73. Ruger 9mm gun box
- ☒ SS 74. 40 cal. ammo box
- ☐ 75. 9 mm ammo
- ☒ 76. ~~357~~ 357 ammo
- ☒ SS 77. clip (40 cal.?)
- ☒ SS 78. 380 box
- ☐ 79. lg. clip - ID ⇒ retained by the State
- ☒ SS 80. cell phone box
- ☒ SS 81. paperwork for F. est 380
- ☒ SS 82. 6/14/02 CZ 40 paperwork
- ☒ 83. ~~bullet casing~~ - FIREARMS application

8

□	84	Polaroids from search & apt
□	85	"
□	86	"
□	87	"
□	88	"
□	89	"
☑ SS	90	Discount Guns receipt
☑ SS	91	11/2/02 9 mm paperwork
	92	ammo- 38

count's exhibits

- 1) state's request to charge
- 2) defense " " "
- 3) jury question

## RECEIPT FOR EXHIBITS

Case No. 03-GS-40-2295Judge R. LloydPlaintiff: State of S.C.Pliff's Atty. Pagge, Strancon, JeffriesDefendant: Jarvis PriceDef's. Atty. Littlejohn, RuckinsDate Trial Started: 12/15/03

Date Trial Ended: \_\_\_\_\_

Received of \_\_\_\_\_, Court Reporter for the above case, these exhibits:

Exhibit	Clerk of Court Use
1	
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This 19 day of December 2003

Page \_\_\_\_\_ of \_\_\_\_\_

By: [Signature]

Richland County Clerk of Court

Clerk should retain white copy in Civil cases, yellow copy in Criminal cases.

Revised 3/96

10

Date: 12/15/03

County: Richmond

## VOIR DIRE

Case No: 03-GS-40-2225

Judge: R. Lloyd

Pl./State: State

State/Pl's. Atty: Perce, Anerson,

Defendant: Jerald Price

Defense Atty: Jeffries

Court Reporter: Paula Jeatt

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Juror No.	Name	Sex	Race	Court	Strikes		
					Plaintiff	Defense	Accept
59	Kenneth Elliott	M	B		✓	X 1	
208	Debbie Huntley	F	W		✓	✓	1
89	Valerie Hayden	F	W		✓	✓	2
27	Anthony Brown	M	B		✓	✓	3
210	James Petrus	M	W		✓	X 2	
136	Donald Nelson	M	W		✓	X 3	
124	Anne Milliken	F	W		✓	✓	4
14	Jonny Bittner	F	W		✓	✓	5
22	Christina Brady	F	W		✓	✓	6
153	Christopher Reese	M	B		✓	✓	7
214	Richard Brown	M	W		✓	X 4	
114	Irma Lowman	F	B		✓	✓	8
110	Gail King	F	B		✓	✓	9
88	Rachel Hawkins	F	W		✓	X 5	
211	Mary Nagoner	F	W		✓	X 6	
92	Peter Hill	M	W (S)		✓	✓	10
149	David Peters	M	W		✓	X 7	
116	Michael Manning	M	W		✓	X 8	

r the court column, please indicate who made the motion to strike the jurors "for cause".  
 If a juror is struck for cause, the court shall indicate the reason for the strike.



1 Monday, December 15, 2003

2 THE COURT: Yes, sir, Mr. Littlejohn?

3 MR. LITTLEJOHN: Your Honor, we've been  
4 provided a witness list by the State this morning, just  
5 a few moments ago. We had been provided at least two  
6 or three other lists as we were going through the  
7 discovery process. And I had talked with Mr. Pascoe on  
8 a number of occasions about our concern that if the  
9 State had subpoenaed witnesses that they not be  
10 released until we had an opportunity to object or  
11 otherwise work it out with the State as to their being  
12 released because we may wish to call them as a witness.

13 As the Court knows, we're court-appointed,  
14 and I just didn't want to have to go through a double  
15 subpoenaing process. And as I understand from my  
16 discussions with Mr. Pascoe -- and he can correct me if  
17 I'm wrong -- the witnesses that are on the list today  
18 have either been subpoenaed or, if they're law  
19 enforcement, otherwise contacted to be here and would  
20 be available to both the State and the defense.

21 THE COURT: Mr. Pascoe, does that represent  
22 your understanding?

23 MR. PASCOE: Not necessarily, Your Honor. As  
24 I told Mr. Littlejohn last week, sometimes I put them  
25 on there because these names might come up, and I want

7

1 to make sure that the jurors don't know who some of  
2 these people are. Mr. Littlejohn and I went over last  
3 week some people that he wanted me to subpoena, and  
4 we've already discussed those. And I told him who was  
5 under subpoena and that I wouldn't release any certain  
6 people from subpoena unless he wanted me to.

7 THE COURT: Okay. Is there anybody in  
8 particular, Mr. Littlejohn, that you're interested in?

9 MR. LITTLEJOHN: Your Honor, yes, sir. If  
10 the Court will allow me to go down the list, I'll be  
11 glad to.

12 THE COURT: Yes, sir.

13 MR. LITTLEJOHN: There's a Tiffany Blanding.  
14 I understand she is under subpoena.

15 MR. PASCOE: Is that what I told you last  
16 week?

17 MR. LITTLEJOHN: Yes.

18 MR. PASCOE: I'll have to go back and check.  
19 Whatever I told you last week, I don't recall whether  
20 she's actually under subpoena or not. We can probably  
21 get her here, though.

22 THE COURT: Do you have a list of --

23 MR. LITTLEJOHN: To refresh Mr. Pascoe's  
24 memory, Your Honor --

25 THE COURT: Yes, sir.

1 MR. LITTLEJOHN: -- he did tell me she was  
2 under subpoena. I just wanted to make sure she was  
3 available.

4 THE COURT: Okay.

5 MR. PASCOE: I'll double-check on that one,  
6 Your Honor.

7 THE COURT: Okay. Thank you, sir.

8 MR. LITTLEJOHN: Your Honor, the next one  
9 would be Michael Boynton, and I understand he is under  
10 the State's subpoena.

11 MR. PASCOE: He is, Your Honor.

12 MR. LITTLEJOHN: There was a Myron Jacobs,  
13 which I see on the list. Mr. Pascoe informed me that I  
14 would need to subpoena him. I don't know if the State  
15 has already subpoenaed him.

16 MR. PASCOE: I'll just have to check on that  
17 one and see, Your Honor.

18 THE COURT: Okay. Thank you, sir. I take it  
19 the defense has not subpoenaed him?

20 MR. LITTLEJOHN: No, Your Honor. We have  
21 issued a subpoena, but we have not served it, because  
22 we didn't want to duplicate the effort.

23 THE COURT: Got you. Thank you.

24 MR. LITTLEJOHN: Your Honor, then there's  
25 Anthony Sherman Patrick. He is on the State's list,

1 and I understand he is under subpoena.

2 MR. PASCOE: Yes, sir.

3 MR. LITTLEJOHN: Tameka Cole, I understand  
4 she is under the State's subpoena.

5 MR. PASCOE: Yes, sir.

6 MR. LITTLEJOHN: Your Honor, there's an Andre  
7 Davis. I do not see him on the State's list, so  
8 obviously we'll be responsible for him. There's a  
9 Jermaine Evans, which I understand from Mr. Pascoe that  
10 he is under the State's subpoena.

11 MR. PASCOE: Yes, sir.

12 MR. LITTLEJOHN: Your Honor, Ronald Hamilton,  
13 Rachiem Monroe, and Derrick Watson.

14 MR. PASCOE: Yes, sir.

15 THE COURT: Okay. Thank you, Mr. Pascoe.

16 MR. LITTLEJOHN: And I guess the last would  
17 be C.J. Frye.

18 MR. PASCOE: I'll have to check on him. I  
19 don't know if he's under subpoena or not.

20 THE COURT: Okay. Thank you.

21 MR. LITTLEJOHN: Your Honor, last would be  
22 Shameka Wright.

23 MR. PASCOE: Yes, sir, she's under subpoena.

24 THE COURT: Okay. Thank you.

25 MR. LITTLEJOHN: Thank you, Mr. Pascoe.

1 MR. LITTLEJOHN: Your Honor, it's also my  
2 understanding from discussions with Mr. Pascoe that  
3 they would have a witness here to testify as to the  
4 toxicology [sic] test that was run on the victim's  
5 blood.

6 THE COURT: Mr. Pascoe, is that -- I'm sorry?

7 MR. PASCOE: We put him on the witness list.

8 THE COURT: Okay.

9 MR. PASCOE: Is he under subpoena? I think  
10 we touched base to make sure he's available, but we  
11 didn't send a subpoena.

12 THE COURT: And he was not one that you had  
13 discussed putting up? Okay.

14 MR. LITTLEJOHN: Your Honor, also there was a  
15 gunshot residue test that was done on the victim's hand  
16 that came back positive, and I just want to make sure  
17 there was an agent here from the State Law Enforcement  
18 Division that could testify to those results.

19 THE COURT: I'm not certain if he is one that  
20 you all discussed --

21 MR. PASCOE: Yes, sir.

22 THE COURT: -- under subpoena. Okay.

23 MR. PASCOE: Down here, under the names.

24 MR. LITTLEJOHN: Your Honor, one last lay  
25 witness I want to ask you about is Christopher Wright.

11

1 He is on the State's list.

2 THE COURT: Okay. He's one that you all  
3 talked about the State subpoenaing?

4 MR. PASCOE: I don't think he's under  
5 subpoena.

6 MR. LITTLEJOHN: I don't think we talked  
7 about him, Your Honor.

8 THE COURT: Okay.

9 MR. PASCOE: I don't think he's under  
10 subpoena, Your Honor.

11 THE COURT: Okay. Thank you, sir.

12 MR. LITTLEJOHN: Your Honor, while we're  
13 talking about witnesses, it's my understanding from  
14 talking to Mr. Pascoe that they have given us by way of  
15 discovery an open file situation. And Mr. Pascoe has  
16 assured me that they would not call any witnesses whose  
17 statements we had not received. And I just want to  
18 make sure we're still operating on that same  
19 understanding.

20 Now, I understand with some of the expert  
21 witnesses and some of the law enforcement there may not  
22 be any formal statements. But from the standpoint of  
23 just lay or fact witnesses, I just want to confirm that  
24 we are operating under that understanding.

25 MR. PASCOE: I told Mr. Littlejohn he had all

1 of the statements that I have.

2 THE COURT: Okay.

3 MR. PASCOE: And, as Your Honor knows, I  
4 think he is not even entitled to those statements, but  
5 I gave them to him as part of my open file policy.

6 THE COURT: Okay. It's my understanding the  
7 State's not taking the position that you're limited to  
8 those witnesses in terms of fact in this.

9 MR. PASCOE: Exactly.

10 THE COURT: Is your understanding different,  
11 Mr. Littlejohn?

12 MR. LITTLEJOHN: Your Honor, if he's telling  
13 me he's given me the statements beforehand, that's  
14 fine.

15 THE COURT: Okay.

16 MR. LITTLEJOHN: I just didn't want to get in  
17 a situation where under 5-82 he puts a witness up, who  
18 then gives a statement, and we have to ask for a recess  
19 or a continuance or whatever. I just wanted to make  
20 sure we were doing that in advance, which makes it a  
21 whole lot easier for the Court and everybody.

22 THE COURT: Yes, sir.

23 MR. PASCOE: Yes, sir. And we shouldn't have  
24 that problem.

25 THE COURT: Okay. Thank you, sir.

13

1 MR. LITTLEJOHN: Your Honor, still while  
2 we're talking about discovery, Mr. Sorenson may be able  
3 to put this on the record. There were a number of  
4 items that were seized at the crime scene that were  
5 analyzed early, taken into custody by the Sheriff's  
6 Department, later analyzed by SLED or other agencies.

7 Those items number one through 21, I believe,  
8 Your Honor, but there was missing an item 13 and an  
9 item 18. We don't have any written information about  
10 that. But it's my understanding that item 13 are some  
11 shoes that came from my client's apartment, which were  
12 analyzed and there were no tests that were relevant to  
13 this case. And I'm not sure what item number 18 is.  
14 And If we could just have the State put that on the  
15 record, I would appreciate it.

16 THE COURT: Okay, Mr. Sorenson.

17 MR. SORENSON: It's my understanding, Your  
18 Honor, item 13 is going to be blood. I'm assuming  
19 that's the victim's blood from the autopsy. I'm not  
20 100 percent sure if it's blood. Item 18 is boots.

21 THE COURT: Thank you, sir.

22 MR. LITTLEJOHN: Your Honor, it's my  
23 understanding from the reports that item 14 was the  
24 blood that came from the victim, and that was the  
25 reason for my inquiry. I couldn't determine what item

1 13 was.

2 MR. SORENSON: And I'm not sure what this has  
3 to do with pre-trial, but they've informed me that item  
4 13 is blood. It's obviously something he can take up  
5 with the witnesses when they testify.

6 THE COURT: I'm at a little bit of a loss,  
7 too. I don't know if there have been some discussions  
8 between the State and defense counsel as to those  
9 items. I take it from the State's response that  
10 there's been none regarding that particular matter.

11 MR. LITTLEJOHN: Your Honor, I guess my  
12 quandary is this. I've got a SLED report that says  
13 that item 14 is blood, and I don't have anything to  
14 identify item 13. And I'm just wondering what 13 is.  
15 If it's something exculpatory, we certainly think we're  
16 entitled to it.

17 THE COURT: Certainly.

18 MR. LITTLEJOHN: It may not be. I'd just  
19 like to know what it is.

20 THE COURT: I will trust that the State will  
21 respond --

22 MR. LITTLEJOHN: Okay.

23 THE COURT: -- that they've complied with  
24 Brady and Rule 5. And certainly, if they try to  
25 introduce something contrary to that, we'll take it up

15

1 at that point.

2 MR. LITTLEJOHN: Your Honor, there's mention  
3 in the discovery of a telephone call that was  
4 purportedly made by the victim in this case at 2:14 on  
5 the night in question, a 911 call. And I know there is  
6 a tape of it. The Solicitor's Office has played the  
7 tape for me.

8 I would just like to make a motion in limine  
9 at this time to resurrect the issue of admissibility of  
10 the substance of that call at such time as the State --  
11 if they seek to introduce it.

12 THE COURT: Okay. I don't know whether they  
13 intend to introduce it or not. But if you want to make  
14 a motion in limine, I'll be glad to hear that -- I  
15 don't know if you've got some other stuff -- if you  
16 want me to hear that now.

17 MR. LITTLEJOHN: Your Honor, we can take it  
18 up when they get to it. I don't think it would be a  
19 lengthy hearing. I just wanted to state from the  
20 outset so we're aware of that as an issue.

21 THE COURT: Thank you.

22 MR. LITTLEJOHN: Your Honor, two last things.  
23 There is a witness whose name was Marcus Martin, we  
24 were informed. I believe the State or Mr. Jeffries has  
25 indicated his name is actually Marcus Jones. Your

1 Honor, we would like to ask the Court for a hearing as  
2 to any issue as to identification, if the State seeks  
3 to elicit an in-court identification from this witness.  
4 It's my understanding he was unable to pick out who he  
5 thought was the shooter in a photographic lineup.

6 And if they're going to attempt to import  
7 identification, we'd like to have that issue determined  
8 by the Court prior to it going before the jury. Your  
9 Honor, I think the last thing we have, we would move  
10 under Rule 6-15 for the witnesses to be excluded -- the  
11 State's witnesses.

12 THE COURT: Okay. Does the State have any  
13 objection to sequestering?

14 MR. SORENSON: No, Your Honor, I don't think  
15 so. If I do, can I bring it back up --

16 THE COURT: Yes, sir.

17 MR. SORENSON: -- before we get into that?  
18 As of this time, I've got no problems with sequestering  
19 the witnesses.

20 THE COURT: Okay. Are there any particular  
21 law enforcement that you --

22 MR. SORENSON: Oh, I'd ask that the lead  
23 investigators, like Stan Smith and Damon Robertson, be  
24 allowed to stay in the courtroom, as well as really any  
25 law enforcement. There's no reason why they can't be

17

1 here, or the agents from SLED.

2 THE COURT: Okay. Any objection to that?

3 MR. LITTLEJOHN: Your Honor, I don't have any  
4 problem with him keeping his two investigators here,  
5 the two case agents, as it were. But the others, I  
6 think the rule applies across the board to them.

7 THE COURT: Is there any reason the law  
8 enforcement, you suspect that they may mimic testimony  
9 that they hear from the stand or would be influenced by  
10 other testimony?

11 MR. LITTLEJOHN: Your Honor, there's nothing  
12 I can put my finger on. But the rule is there for a  
13 purpose, and we think that's one of the purposes.

14 THE COURT: Okay -- because normally I don't  
15 sequester. But if neither side has an objection to it,  
16 I'll certainly do that. Otherwise, I would just let  
17 them all -- unless somebody can articulate a specific  
18 reason why certain witnesses may be likely to conform  
19 their testimony from hearing other testimony, I won't  
20 sequester.

21 MR. LITTLEJOHN: Your Honor, if they're going  
22 to keep the investigator, we'd like to keep Mr. Jones,  
23 who's seated behind us. He's our investigator. I  
24 don't anticipate him being a witness.

25 THE COURT: Okay. I take it the State has no

1 objection to that?

2 MR. SORENSON: Yes, sir.

3 THE COURT: All right. All investigators can  
4 stay in, and all other witnesses will be sequestered.  
5 Anything further?

6 MR. LITTLEJOHN: Your Honor, I believe that's  
7 all we have at this time.

8 THE COURT: As to the motion in limine as to  
9 the 911 call, is there any response from the State?

10 MR. PASCOE: We do intend -- I'll tell you,  
11 we intend to introduce the 911 call that the victim  
12 made to dispatch that night right before the shooting.  
13 I think it's in line with all the case law as being  
14 admissible. I don't really think it's that much of a  
15 problem.

16 THE COURT: Mr. Littlejohn?

17 MR. LITTLEJOHN: Your Honor, it's obviously  
18 hearsay. I don't see how it comes in under all the  
19 case law.

20 MR. PASCOE: Present sense impression, Your  
21 Honor, State versus Shuler at Orangeburg; State versus  
22 Garcia. There are a bunch of cases.

23 THE COURT: Your objection is just as to  
24 hearsay?

25 MR. LITTLEJOHN: Yes, Your Honor. I think

19

1 he's offering it for the truth as a matter of  
2 certainty. The declarant is not available.

3 THE COURT: I'll wait until they get ready to  
4 offer that, and then we'll do a full hearing on that.  
5 And I'll listen to it as well at that point. Anything  
6 further?

7 MR. LITTLEJOHN: Your Honor, one thing that  
8 was just brought to my attention, apparently the  
9 Sheriff's Department has asked my client's family to  
10 sit way up here in the gallery rather than behind us  
11 here, and I just didn't know what the purpose of that  
12 is. Apparently, the victim's family is sitting behind  
13 the Solicitor's table.

14 THE COURT: I saw them move them from right  
15 there where the jury goes. If there are particular  
16 family members that can fit on that first bench,  
17 they're certainly welcome to sit there. I remind you  
18 all that this is not a long bench. So we'll fit as  
19 many of you on this bench right behind the defense  
20 table as you can get.

21 THE COURT: Okay. Mr. Littlejohn, I also  
22 understand you have requested voir dire?

23 MR. LITTLEJOHN: Yes, Your Honor.

24 THE COURT: Thank you, sir.

25 THE COURT: Are there any objections from the

1 State?

2 MR. PASCOE: We have no objections, Your  
3 Honor, to those, as well as your normal jury charge.

4 THE COURT: Okay. We'll ask those, too, Mr.  
5 Littlejohn.

6 MR. LITTLEJOHN: Your Honor, one additional  
7 thing, if I might, as we discussed briefly, at the  
8 bench in the other courtroom. Apparently, there was an  
9 article in *The State* newspaper this morning that went  
10 into some depth about the history of this case and some  
11 earlier judicial proceedings. The major concern is  
12 this, Your Honor. In that article -- and we'll be glad  
13 to make it a part of the record -- the reporter gave an  
14 account of pending charges against my client.

15 Those are charges that there has been no  
16 disposition of. They're fairly serious charges. I  
17 don't see how, being pending, there's any way in the  
18 world they would come out during this trial. But if  
19 the jurors have read about those charges, it certainly  
20 could influence them against the defendant. And I have  
21 a great deal of concern about that. *The State*  
22 newspaper obviously is the main newspaper in Richland  
23 County and is probably the main newspaper which the  
24 members of the jury panel would read.

25 And with that article, I'd be interested to

21

1 see what reaction we get. And, Your Honor, I might  
2 suggest perhaps individual voir dire by the Court might  
3 be in order.

4 THE COURT: We've certainly got enough jurors  
5 here today, I think. I don't know. The whole panel  
6 hasn't been released yet, have they, Ms. Scott?

7 MS. SCOTT: No, Your Honor.

8 THE COURT: Okay. If we run into a problem  
9 with that -- I had intended to inquire about that since  
10 the article was in the paper this morning -- we'll  
11 certainly see how many we can get from the panel we've  
12 got. We've got a lot of jurors, so I think we can  
13 certainly deal with that.

14 MR. LITTLEJOHN: Your Honor, would the Court  
15 be inclined to ask the jurors individually about if  
16 they've read the article?

17 THE COURT: I'll certainly go through and ask  
18 them if they've read the article and certainly instruct  
19 them that they, number one, if they're selected on this  
20 jury, should only consider that evidence presented in  
21 this courtroom as well as my instructions on the law.

22 But I'll be glad to at any time, if anybody  
23 has, in fact, read the newspaper article, see whether  
24 or not they've formed any opinions about the defendant  
25 based on that.

1 MR. LITTLEJOHN: I guess maybe I'm being  
2 overly cautious. I was afraid that one juror might  
3 respond and say, "Well, I read this in the paper," and  
4 the rest of the jurors are sitting there and would hear  
5 that inflammatory material.

6 THE COURT: What I would probably do is call  
7 them down and just bring them down here to the front  
8 and see how much they did read and remember about it,  
9 trying to see whether they've formed any opinions or  
10 not. Obviously, if they read it, I can't unring that  
11 bell. But they may have read it and not formed any  
12 opinion about it, or they may have read Saddam and  
13 never made it to the "Metro."

14 THE COURT: Okay, anything further? We'll  
15 bring the jury up.

16 MR. LITTLEJOHN: Nothing from the defense,  
17 Your Honor.

18 MR. PASCOE: I have two quick motions.

19 THE COURT: Yes, sir.

20 MR. PASCOE: We can do it now or later. If  
21 you want to bring the jurors up first, it's --

22 THE COURT: Let me go ahead and deal with it.

23 MR. PASCOE: The first motion was we did file  
24 a reciprocal on this case. I assume that there's going  
25 to be no alibi, because we received no notice of alibi.

23

1 THE COURT: Is that correct?

2 MR. LITTLEJOHN: That's correct, Your Honor.

3 THE COURT: Okay. Thank you, sir.

4 MR. PASCOE: Also, I make a motion barring  
5 any evidence of third-party guilt as being  
6 inadmissible.

7 THE COURT: Okay.

8 MR. PASCOE: If they're going to do that,  
9 they just give us a heads-up.

10 THE COURT: Okay. Mr. Littlejohn?

11 MR. LITTLEJOHN: Your Honor, from the  
12 standpoint of our saying that Joe Jones did this and  
13 not our client, no, sir, we don't have any evidence to  
14 that effect. There are some circumstances that will be  
15 developed as the facts come out that there were a lot  
16 of people there and a lot of circumstances that, quite  
17 frankly, in my opinion don't add up. But from the  
18 standpoint of pointing a finger at some third party  
19 definitively, no.

20 THE COURT: Okay. I'm not quite sure --

21 MR. LITTLEJOHN: I'm sorry, I can't be any  
22 more specific than that.

23 THE COURT: Anything further as to that  
24 point, Mr. Pascoe?

25 MR. PASCOE: We might be able to take it up

1 later.

2 THE COURT: Okay.

3 MR. PASCOE: Thank you.

4 THE COURT: Well, we'll address it again if  
5 it becomes an issue.

6 THE COURT: Any further witnesses, Mr.

7 Littlejohn, from the defense?

8 MR. LITTLEJOHN: No, Your Honor.

9 THE COURT: For voir dire purposes, everybody  
10 that the defense may potentially call is on this list?

11 MR. LITTLEJOHN: No, Your Honor. If you'd  
12 give me just a moment --

13 THE COURT: Certainly.

14 MR. LITTLEJOHN: -- there would not be many.  
15 Your Honor, the only three we would add that we know of  
16 at this time would be Chante Boyd --

17 THE COURT: Boyd, B-O-Y-D?

18 MR. LITTLEJOHN: -- B-O-Y-D, yes, sir; Kim  
19 Miller; and Andre Davis.

20 THE COURT: Okay. Thank you, sir.

21 MR. LITTLEJOHN: Thank you.

22 THE COURT: Okay, we're ready for the jury.

23 MR. LITTLEJOHN: Your Honor --

24 THE COURT: Yes, sir.

25 MR. LITTLEJOHN: -- could we take just a

25

1 moment? My client didn't get to use the facilities on  
2 the way up.

3 THE COURT: All right, we'll take five  
4 minutes.

5 MR. PASCOE: Okay.

6 THE COURT: Thank you. We'll be in recess.

7 (Break in proceedings.)

8 THE COURT: Okay, counsel, are you ready for  
9 the jury?

10 MR. LITTLEJOHN: The defense is ready, Your  
11 Honor.

12 MR. PASCOE: Yes, sir.

13 THE COURT: Okay. Then we'll bring them up.

14 CLERK OF COURT: Yes, Your Honor.

15 (Jury panel in to be  
16 qualified.)

17 THE COURT: Ladies and gentlemen, we're ready  
18 to begin the case of the State of South Carolina versus  
19 Jeroid Price. I'll explain to you all the charges in  
20 this case in a little bit, but it's good to see you all  
21 again. I know we just saw each other about an hour  
22 ago, I guess it was.

23 Again, for those of you who went through --  
24 all of you did. I know you all were asked questions  
25 this morning during the qualification process, and I

1 have to ask you some more questions. It will not be as  
2 long as qualification, but I do need to go through  
3 these questions with you before we begin the process of  
4 selecting a jury for this particular trial.

5 I will have to ask you all to one more time  
6 stand and raise your right hands and be sworn over.  
7 Thank you. If you all would, just stand and raise your  
8 right hands. Thank you.

9 CLERK OF COURT: Ladies and gentlemen, please  
10 answer "Yes, I do," after I give you this question.

11 (The jury panel was sworn.)

12 CLERK OF COURT: Thank you.

13 THE COURT: Thank you.

14 THE COURT: All right, ladies and gentlemen,  
15 as I explained to you, this is the State of South  
16 Carolina versus Jeroid Price. I'd ask that Mr. Price  
17 will stand and face the jury panel. Mr. Price is the  
18 young man in the gray suit standing with his attorneys.  
19 And I would first ask if any member of jury panel is  
20 related by blood, marriage, or otherwise has a close  
21 personal relationship with Mr. Price. If so, please  
22 stand. Okay, thank you, sir.

23 Ladies and gentlemen, Mr. Price is  
24 represented by attorneys Cam Littlejohn and Amye  
25 Rushing, and they've stood before and they're standing

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1 next to Mr. Price. And I'd ask the same question -- if  
2 any member of the jury panel is related by blood,  
3 marriage, or otherwise has a close personal  
4 relationship with Ms. Rushing or Mr. Littlejohn, or if  
5 any member of the panel has ever been represented by  
6 these attorneys. Okay, thank you.

7 Ladies and gentlemen, Mr. Price is charged in  
8 the indictment with murder. The victim alleged in the  
9 indictment is Mr. Carl Felder Smalls. And I would ask  
10 if any member of the jury panel is related by blood,  
11 marriage, or otherwise has a close personal  
12 relationship or any friendship at all with Mr. Carl  
13 Felder Smalls.

14 Ladies and gentlemen, the State is  
15 represented by Assistant Solicitors David Pascoe, Don  
16 Sorenson, and Bryan Jeffries, and they are standing in  
17 front of you. And I would ask if any member of the  
18 jury panel is related by blood, marriage, or otherwise  
19 has a close personal relationship with either Mr.  
20 Pascoe, Mr. Sorenson, or Mr. Jeffries. Thank you.

21 All right, ladies and gentlemen, I have a  
22 long list of witnesses to read off to you. These are  
23 potential witnesses in this trial. It may not mean  
24 that all of them are called, but I do need to read the  
25 entire list to you to again verify as to whether any

1 member of the panel is related to or has a friendship  
2 with any of these individuals. I will ask you all the  
3 same question at the end of this list.

4 If, in fact, you do know somebody or are  
5 related to somebody on this list, if you will just  
6 stand as I call out this list, and I'll come back to  
7 you at the very end. I would also ask if any members  
8 of this list as potential witnesses are in the  
9 courtroom if you will stand as I read off your name.  
10 The first name is Investigator Damon Robertson with the  
11 Richland County Sheriff's Department; Steve Pearce with  
12 the Richland County Sheriff's Department; Lt. Zane  
13 Padgett with the Richland County Sheriff's Department;  
14 Investigator Anna Elsey -- is that correct? --

15 MR. PASCOE: Elsey, Your Honor.

16 MS. ELSEY: Correct.

17 THE COURT: -- Elsey with the Richland County  
18 Sheriff's Department; Investigator Ray Livingston with  
19 the Richland County Sheriff's Department; Dr. Ronald  
20 Burns; Lt. Stan Smith with the Richland County  
21 Sheriff's Department; Investigator David Goff with the  
22 Richland County Sheriff's Department; Dave Lucas with  
23 the Richland County Sheriff's Department; Chief David  
24 Wilson with the Richland County Sheriff's Department;  
25 Deputy Joe Davis with the Richland County Sheriff's

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1 Department; Corporal Bill Allen with the Richland  
2 County Sheriff's Department; Investigator Gene -- is it  
3 Mincey? --

4 MR. MINCEY: Yes, sir.

5 THE COURT: -- Mincey with the Richland  
6 County Sheriff's Department; Deputy David Collins of  
7 the Richland County Sheriff's Department; Michael  
8 Boynton; Kimathi Lewis; Maurice McDuffie; Lt. Joe  
9 Powell of the State Law Enforcement Division; Special  
10 Agent Cal Riley of the State Law Enforcement Division;  
11 Special Agent Kimberly Black of the State Law  
12 Enforcement Division; Ronald Hamilton; Jeffrey Lewis;  
13 Damien Martin; Marcus Jones; David Sampson; Christopher  
14 Wright; is it Rachiem? --

15 MR. PASCOE: Rachiem, I think, Your Honor.

16 THE COURT: -- Rachiem Monroe; Henry Foster  
17 Phillips; Twanna Ivery; Kyle Green; Investigator James  
18 Richardson of the Richland County Sheriff's Department;  
19 Calvin Kizer; Myron Jacobs; Deandre Eiland; Mike  
20 Hawthorne; Doron -- is it Guider?; Joe Jones; Tyron  
21 Belton; Carlos Powell; Kimberly Jenkins; Shakir Lane;  
22 Bernard Rambert; C.J. Frye. I'm going to ask you to  
23 help me again, Mr. Pascoe.

24 MR. PASCOE: Chemiqua Ellington, Your Honor.

25 THE COURT: Chemiqua Ellington; Tiffany

1 Blanding; Jermaine Evans; Crystal Frechette; Derrick  
2 Cattenhead; Jamel Bryant; Ryan Brooks; Jason Wood;  
3 Tameka Cole; Natalie Woods; Anthony Sherman Patrick;  
4 Corey Lawrence; Chavee McGill; Derrick Watson; Jeremy  
5 Coe; Lillie Smalls; Chante Boyd; Kim Miller; Andrea  
6 Davis.

7 MR. LITTLEJOHN: I believe that's Andre, I'm  
8 sorry.

9 THE COURT: I'm sorry -- Andre Davis. Thank  
10 you, sir. Any member of the jury panel related by  
11 blood, marriage, or otherwise either knows or has a  
12 close personal relationship with any of those  
13 individuals, if you'll just stand, please. Yes, sir.

14 MR. PETRUS: Brad Petrus. I worked with  
15 several of these football players and Carl Smalls when  
16 he was a freshman here.

17 THE COURT: Okay. I'll ask you, sir -- and  
18 when I ask you this question -- if you can be fair and  
19 impartial in this case -- what I mean by that is, sir,  
20 could you, despite your relationship with these  
21 individuals or knowing them in whatever capacity -- you  
22 said you worked with them?

23 MR. PETRUS: Yes, sir.

24 THE COURT: Could you fairly listen to the  
25 evidence in this trial, take the charge as I give it at

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1 the end of the case on the law, apply the law to the  
2 facts fairly and impartially, and come to a fair  
3 verdict for both the defendant and the State in this  
4 case despite your relationship with those individuals?

5 MR. PETRUS: Yes, sir.

6 THE COURT: Okay. Thank you, sir.

7 COURT REPORTER: What was his number?

8 THE COURT: Do you know your number, sir?

9 MR. PETRUS: 210.

10 THE COURT: I'm sorry?

11 MR. PETRUS: 210.

12 THE COURT: Okay. Thank you, sir.

13 THE COURT: Yes, ma'am.

14 MS. LOMAN: I'm Erma Loman, Juror 114.

15 THE COURT: Yes, ma'am.

16 MS. LOMAN: It's Ron?

17 MR. SORENSON: Yes.

18 THE COURT: Yes.

19 MR. SORENSON: Yes, sir.

20 MS. LOMAN: I think he is my neighbor.

21 THE COURT: Okay. All right, ma'am, would  
22 the fact that he was your neighbor in any way prevent  
23 you -- the same question I asked the gentleman earlier  
24 -- from being unable to be fair and impartial in this  
25 case, hear the evidence, determine the evidence, and

1 take the charge on the law as I give it to you?

2 MS. LOMAN: No, sir.

3 THE COURT: Okay.

4 MS. LOMAN: And Marcus Jones, I think may --  
5 I have contacts with a Marcus Jones.

6 THE COURT: Okay. How do you know the Marcus  
7 Jones? Is he a close personal friend of yours?

8 MS. LOMAN: My ex-husband's nephew.

9 THE COURT: Okay. Would the fact, ma'am,  
10 that he was related to your ex-husband, again, in any  
11 way prevent you from being fair and impartial to both  
12 sides in this case?

13 MS. LOMAN: No.

14 THE COURT: Okay. Thank you, ma'am.

15 THE COURT: Yes, sir.

16 MR. THOMAS: My name is Terry Thomas. I go  
17 to school with a lot of those people that you named.

18 THE COURT: Okay. Are they friends with you,  
19 sir?

20 MR. THOMAS: Yes, sir.

21 THE COURT: Okay. So let me ask you, based  
22 on your relationship with any individuals on this list,  
23 would it any way prevent you from being fair and  
24 impartial, hearing the evidence as given, if you were  
25 selected on this jury, from this witness stand and

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1 introduced by this Court, and from taking the charge on  
2 the law as I give it to you and being fair and  
3 impartial to both the State and the defense, sir?

4 MR. THOMAS: No, sir.

5 THE COURT: Okay. Thank you, sir.

6 THE COURT: Okay, anyone else? Is any member  
7 of the jury panel related by blood, marriage, or a  
8 friend of anyone who is employed in the Richland County  
9 Solicitor's Office, the Richland County Sheriff's  
10 Department, or the State Law Enforcement Division,  
11 commonly known as SLED? Yes, sir.

12 MR. CHAPMAN: I teach at USC, Your Honor, and  
13 I have taught some people from the State Law  
14 Enforcement Division.

15 THE COURT: Okay. And your name, sir?

16 MR. CHAPMAN: James Chapman.

17 THE COURT: And do you remember your juror  
18 number?

19 MR. CHAPMAN: 39.

20 THE COURT: Okay. Sir, would the fact that  
21 you have taught some members of your classes who are  
22 employed at SLED in any way cause you to not be able to  
23 be fair and impartial to both the State and the  
24 defendant in this case?

25 MR. CHAPMAN: No, sir.

1 THE COURT: Okay. Thank you, sir. Anyone  
2 else?

3 THE COURT: Okay, ladies and gentlemen, this  
4 incident that is the subject of this trial occurred  
5 back in 2002. I would ask if any member of the jury  
6 panel has either seen or heard news reports concerning  
7 a shooting incident that took place at the Voodoo  
8 Lounge on Garners Ferry Road in Richland County on  
9 December 7, 2002.

10 The incident did result in the death of the  
11 victim in this case, Carl Felder Smalls, who at one  
12 time was a football player at the University of North  
13 Carolina, as well as a year at the University of South  
14 Carolina. Has any member of the jury panel either seen  
15 or heard news reports concerning this incident? Let me  
16 ask, if you all would, just stand. Let me first ask,  
17 has any member of the jury panel -- and I was going to  
18 discuss with the entire jury panel, there was a news  
19 article this morning in the "Metro" section of the  
20 paper.

21 Let me find out first, did any member of the  
22 jury panel see any news reports or see any newspaper  
23 articles regarding this incident before the article  
24 today? If you would, just raise your hand -- before  
25 today.

35

1 UNIDENTIFIED JUROR: Today and before.

2 THE COURT: Okay.

3 UNIDENTIFIED JUROR: Did you just say just  
4 news article or TV?

5 THE COURT: Any news account at all -- okay.  
6 If you all would, form a line over here at the end of  
7 this front row, and I'll bring you down one at a time.

8 THE COURT: All right, we still need quiet.

9 THE COURT: Okay, yes, sir.

10 CLERK OF COURT: Number 23, Your Honor,  
11 Joseph Rutledge.

12 THE COURT: Mr. Rutledge, I just need you to  
13 come down here.

14 CLERK OF COURT: Number 27, Anthony Brown.

15 CLERK OF COURT: Number 182, Jason Sutton.

16 CLERK OF COURT: Number 39, James Chapman.

17 CLERK OF COURT: Number 146, Sheila

18 Pendarvis.

19 CLERK OF COURT: Number 76, Willie Graham.

20 CLERK OF COURT: Number 191, Michael Walls.

21 CLERK OF COURT: Number 114, Erma Loman.

22 CLERK OF COURT: Number 214, Richard Brown.

23 CLERK OF COURT: Number 110, Gail King.

24 CLERK OF COURT: Number 100, Wesley Jennings.

25 CLERK OF COURT: Number 59, Kenneth Elliott.

1 CLERK OF COURT: Number 179, George Stone.

2 CLERK OF COURT: Number 149, David Peters.

3 CLERK OF COURT: Number 210, James Petrus.

4 CLERK OF COURT: Number 124, Ann Milliken.

5 CLERK OF COURT: Number 11, Vanessa Bazemore.

6 CLERK OF COURT: Number 184, Terry Thomas.

7 THE COURT: Okay, thank you, ladies and  
8 gentlemen. Let me ask, has any member of the jury  
9 panel been exposed in any way to what is commonly  
10 called street gangs, such as Bloods or Crips, or has  
11 any member of the jury panel formed any opinion about  
12 street gangs such as those?

13 Is any member of the jury panel a member of  
14 any group which advocates the enforcement of criminal  
15 laws or advocates on behalf of the victims of criminal  
16 violence, such as MADD, or CAV, or CADRE, or any such  
17 groups as that? Is anybody a member or contributor to  
18 any such groups?

19 Is any member of the jury panel, whether I  
20 had asked this specific question or not, aware of any  
21 facts about this case that we've not already discussed  
22 up here at the sidebar that would relate to what  
23 happened on the incident in question, the day of the  
24 incident in question, or relate to any of the potential  
25 witnesses that may be called, or to the defendant, or

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1 to the victim in any way?

2 Anybody aware of any personal facts or  
3 knowledge of this incident? Is any member of the jury  
4 panel aware of any reason whatsoever, whether I've  
5 asked you specifically in these questions or not, why  
6 they could not sit in this case and be fair and  
7 impartial to both the State and the defendant. If so,  
8 if you are aware of some reason, I'll be glad to bring  
9 you down here and discuss that with you privately.

10 But is any member of the jury panel aware of  
11 any reason whatsoever they do not believe they could  
12 serve this week on this trial and be fair to both  
13 sides? Yes, sir. Do you want to come down, sir?

14 THE COURT: Yes, sir. If you'd just state  
15 your name.

16 MR. WISE: Wendell Shane Wise.

17 THE COURT: You need to speak up.

18 MR. WISE: I'm mourning the loss of my wife  
19 right now, and I don't think I can handle to go through  
20 something like this serious. Just mentally, I don't  
21 think I can be fair or pay attention or anything like  
22 that.

23 THE COURT: Your wife just passed away when?

24 MR. WISE: In July.

25 THE COURT: I'm sorry to hear that, sir. I

1 appreciate your honesty based on your response that you  
2 don't believe you could sit here and listen to stuff  
3 like this that is unique to this trial. Thank you,  
4 sir.

5 MR. WISE: Yes, sir.

6 THE COURT: I appreciate that.

7 THE COURT: Okay, thank you.

8 THE COURT: Counsel, anything further on voir  
9 dire for me at this time?

10 MR. LITTLEJOHN: No, Your Honor.

11 MR. PASCOE: No, Your Honor.

12 THE COURT: Okay. Thank you, counsel. Are  
13 both sides ready to do strikes? We'll do ten and five,  
14 then we'll do two alternates. Thank you, ladies and  
15 gentlemen.

16 MR. LITTLEJOHN: Ten and five, Your Honor?

17 THE COURT: Ten and five, yes, sir.

18 CLERK OF COURT: Ladies and gentlemen of the  
19 jury, if I should call out your name, please come  
20 forward to this microphone stand here to my right,  
21 state your name and occupation, and remain standing  
22 there until I give you further instructions. If you  
23 have any personal items -- books, coats, umbrellas,  
24 etc. -- bring those with you if I call out your name.  
25 59, Kenneth Elliott -- number 59.

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1 MR. ELLIOTT: My name is Kenneth Elliott, and  
2 I'm a student at USC.

3 CLERK OF COURT: What says the State?

4 MR. PASCOE: Please present Mr. Elliott.

5 CLERK OF COURT: What says the defense?

6 MR. LITTLEJOHN: Please excuse Mr. Elliott  
7 from this case.

8 CLERK OF COURT: Sir, if you would, please  
9 return to the back of the courtroom there where you see  
10 that deputy.

11 BAILIFF: This way, please.

12 CLERK OF COURT: 208, George Huntley -- 208.

13 MS. HUNTLEY: My name is Georgia Huntley.  
14 I'm a student at USC and a server at Harper's  
15 Restaurant.

16 CLERK OF COURT: What says the State?

17 MR. PASCOE: Please present Ms. Huntley.

18 CLERK OF COURT: What says the defense?

19 MR. LITTLEJOHN: Please seat Ms. Huntley.

20 CLERK OF COURT: Please have a seat over here  
21 in the jury box, as directed by the bailiff.

22 CLERK OF COURT: 89, Valerie Hayden -- number  
23 89.

24 MS. HAYDEN: Valerie Hayden, and I'm a nurse  
25 at the Richland County Health Department.

1 CLERK OF COURT: What says the State?  
2 MR. PASCOE: Please present Ms. Hayden.  
3 CLERK OF COURT: What says the defense?  
4 MR. LITTLEJOHN: Please seat Ms. Hayden.  
5 CLERK OF COURT: Please have a seat there in  
6 the jury box, ma'am.  
7 CLERK OF COURT: 27, Anthony Brown -- 27.  
8 MR. BROWN: My name is Anthony Brown. I work  
9 for the Office of the Budget and Control Board.  
10 CLERK OF COURT: What says the State?  
11 MR. PASCOE: Please present Mr. Brown.  
12 CLERK OF COURT: What says the defense?  
13 MR. LITTLEJOHN: Please seat Mr. Brown.  
14 CLERK OF COURT: Please have a seat in the  
15 jury box, sir.  
16 CLERK OF COURT: 210, James Petrus -- 210.  
17 MR. PETRUS: James Petrus, a college student  
18 at USC.  
19 CLERK OF COURT: What says the State?  
20 MR. PASCOE: Please present Mr. Petrus.  
21 CLERK OF COURT: What says the defense?  
22 MR. LITTLEJOHN: Please excuse Mr. Petrus  
23 from this trial.  
24 CLERK OF COURT: Sir, you may return to the  
25 back there where you see the bailiff.

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1 CLERK OF COURT: 136, Donald Nelson -- 136.

2 MR. NELSON: My name is Donald Nelson. I'm a  
3 student at Midlands Tech.

4 CLERK OF COURT: What says the State?

5 MR. PASCOE: Please present Mr. Nelson.

6 CLERK OF COURT: What says the defense?

7 MR. LITTLEJOHN: Please excuse Mr. Nelson  
8 from this trial.

9 CLERK OF COURT: Yes, sir. Please return to  
10 the back of the courtroom where you see the bailiff.

11 CLERK OF COURT: 124, Ann Milliken -- 124.

12 MS. MILLIKEN: Ann Milliken, and I'm a  
13 housewife.

14 CLERK OF COURT: What says the State?

15 MR. PASCOE: Please present Ms. Milliken.

16 CLERK OF COURT: What says the defense?

17 MR. LITTLEJOHN: Please seat Ms. Milliken.

18 CLERK OF COURT: Please have a seat here in  
19 the jury box.

20 CLERK OF COURT: 14, Tonya Bentner -- 14.

21 MS. BENTNER: My name is Tonya Bentner. I'm  
22 a nursing student at Midlands Tech.

23 CLERK OF COURT: What says the State?

24 MR. PASCOE: Please present Ms. Bentner.

25 CLERK OF COURT: What says the defense?

1 MR. LITTLEJOHN: Please seat Ms. Bentner.

2 CLERK OF COURT: Please have a seat here in  
3 the jury box.

4 CLERK OF COURT: 22, Christina Brady -- 22.

5 MS. BRADY: Christina Brady. I'm a law  
6 student at the University of South Carolina.

7 CLERK OF COURT: What says the State?

8 MR. PASCOE: Please present Ms. Brady.

9 CLERK OF COURT: What says the defense?

10 MR. LITTLEJOHN: Please seat Ms. Brady.

11 CLERK OF COURT: Please have a seat there in  
12 the jury box.

13 CLERK OF COURT: 153, Christopher Reese --  
14 153.

15 MR. REESE: My name is Christopher Reese.  
16 I'm a truck driver for Carolina Wrecker.

17 CLERK OF COURT: What says the State?

18 MR. PASCOE: Please present Mr. Reese.

19 CLERK OF COURT: What says the defense?

20 MR. LITTLEJOHN: Please seat Mr. Reese.

21 CLERK OF COURT: Please have a seat here in  
22 the jury box.

23 CLERK OF COURT: 214, Richard Brown -- 214.

24 MR. BROWN: My name is Richard Brown. I'm in  
25 sales with Hirschfield Steel Company.

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1 CLERK OF COURT: What says the State?

2 MR. PASCOE: Please present Mr. Brown.

3 CLERK OF COURT: What says the defense?

4 MR. LITTLEJOHN: Please excuse Mr. Brown from  
5 this case.

6 CLERK OF COURT: Sir, you may return to the  
7 back of the courtroom where you see the bailiff.

8 BAILIFF: This way, please, sir.

9 CLERK OF COURT: 114, Erma Loman -- 114.

10 MS. LOMAN: Erma Loman, teacher, Richland  
11 District 2.

12 CLERK OF COURT: What says the State?

13 MR. PASCOE: Please present Ms. Loman.

14 CLERK OF COURT: What says the defense?

15 MR. LITTLEJOHN: Please seat Ms. Loman.

16 CLERK OF COURT: Please have a seat here in  
17 the jury box.

18 CLERK OF COURT: 110, Gail King -- 110.

19 MS. KING: I'm Gail King, deputy director for  
20 LRADAC grants through USC.

21 CLERK OF COURT: What says the State?

22 MR. PASCOE: Please present Ms. King.

23 CLERK OF COURT: What says the defense?

24 MR. LITTLEJOHN: Please seat Ms. King.

25 CLERK OF COURT: Please have a seat here in

1 the jury box, ma'am.

2 CLERK OF COURT: 88, Rachel Hawkins -- 88.

3 MS. HAWKINS: My name is Rachel Hawkins, and  
4 I'm a student at USC.

5 CLERK OF COURT: What says the State?

6 MR. PASCOE: Please present Ms. Hawkins.

7 CLERK OF COURT: What says the defense?

8 MR. LITTLEJOHN: Please excuse Ms. Hawkins  
9 from this case.

10 CLERK OF COURT: Ma'am, please return to the  
11 back of the courtroom there where you see the bailiff.

12 BAILIFF: This way, please. Thank you.

13 CLERK OF COURT: 211, Mary Wagener -- 211.

14 MS. WAGENER: My name is Mary Ann Wagener,  
15 and I work for South Carolina Community Bank.

16 CLERK OF COURT: What says the State?

17 MR. PASCOE: Please present Ms. Wagener.

18 CLERK OF COURT: What says the defense?

19 MR. LITTLEJOHN: Please excuse Ms. Wagener  
20 from this case.

21 CLERK OF COURT: Please return to the back of  
22 the courtroom, ma'am, where you see the bailiff.

23 CLERK OF COURT: 92, Peter Hill -- 92.

24 MR. HILL: My name is Peter Hill. I'm a  
25 student at Clemson University.

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1 CLERK OF COURT: What says the State?

2 MR. PASCOE: Please present Mr. Hill.

3 CLERK OF COURT: What says the defense?

4 MR. LITTLEJOHN: Please seat Mr. Hill.

5 CLERK OF COURT: Please have a seat here in

6 the jury box, sir.

7 CLERK OF COURT: 149, David Peters -- 149.

8 MR. PETERS: My name is David Peters. I'm a

9 lab assistant at Van De Grift Animal Clinic.

10 CLERK OF COURT: What says the State?

11 MR. PASCOE: Please present Mr. Peters.

12 CLERK OF COURT: What says the defense?

13 MR. LITTLEJOHN: Please excuse Mr. Peters.

14 CLERK OF COURT: Sir, please return to the

15 back of the courtroom there where you see the bailiff

16 standing.

17 CLERK OF COURT: 116, Michael Manning -- 116.

18 MR. MANNING: Michael Manning. I'm a pilot

19 in the U.S. Air Force.

20 CLERK OF COURT: What says the State?

21 MR. PASCOE: Please present Mr. Manning.

22 CLERK OF COURT: What says the defense?

23 MR. LITTLEJOHN: Please excuse Mr. Manning

24 from this case.

25 CLERK OF COURT: Sir, please return to the

1 back of the courtroom where you see the bailiff.

2 THE COURT: The defense has two strikes left.

3 CLERK OF COURT: 100, Wesley Jennings -- 100.

4 MR. JENNINGS: Wesley Jennings, graduate  
5 teaching assistant at USC.

6 CLERK OF COURT: What says the State?

7 MR. PASCOE: Please present Mr. Jennings.

8 CLERK OF COURT: What says the defense?

9 MR. LITTLEJOHN: Please seat Mr. Jennings.

10 CLERK OF COURT: Please have a seat here in  
11 the jury box.

12 CLERK OF COURT: 26, April Brower -- 26.

13 MS. BROWER: April Brower, employed by the  
14 University of South Carolina Housing Office.

15 CLERK OF COURT: What says the State?

16 MR. PASCOE: Please present Ms. Brower.

17 CLERK OF COURT: What says the defense?

18 MR. LITTLEJOHN: Please seat Ms. Brower.

19 CLERK OF COURT: Please have a seat here in  
20 the jury box.

21 COURT REPORTER: Just the 12 and two  
22 alternates?

23 THE COURT: There'll be two alternates.

24 CLERK OF COURT: 206, Charles Woods -- 206.

25 MR. WOODS: Charles Woods, graduate student

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1 at USC.

2 CLERK OF COURT: What says the State?

3 MR. PASCOE: Please present Mr. Woods.

4 CLERK OF COURT: What says the defense?

5 MR. LITTLEJOHN: Please seat Mr. Woods.

6 CLERK OF COURT: Please have a seat here in  
7 the jury box.

8 CLERK OF COURT: 118, Kimberly Massey -- 118.

9 MS. MASSEY: My name is Kimberly Massey. I'm  
10 a graphics and web developer at USC.

11 CLERK OF COURT: What says the State?

12 MR. PASCOE: Please present Ms. Massey.

13 CLERK OF COURT: What says the defense?

14 MR. LITTLEJOHN: Please excuse Ms. Massey  
15 from this case.

16 CLERK OF COURT: Please return to the back of  
17 the courtroom there where you see the bailiff.

18 CLERK OF COURT: 179, George Stone -- 179.

19 MR. STONE: My name is George Stone. I'm an  
20 engineer with South Carolina Electric and Gas Company.

21 CLERK OF COURT: What says the State?

22 MR. PASCOE: Please present Mr. Stone.

23 CLERK OF COURT: What says the defense?

24 MR. LITTLEJOHN: Please excuse Mr. Stone.

25 CLERK OF COURT: Please return to the back of

1 the courtroom there where you see the bailiff.

2 CLERK OF COURT: 1, James Adams -- number 1.

3 MR. ADAMS: My name is James Adams. I'm a  
4 student at Benedict College.

5 CLERK OF COURT: What says the State?

6 MR. PASCOE: Please excuse Mr. Adams.

7 CLERK OF COURT: Sir, please return to the  
8 back of the courtroom there where you see the bailiff.

9 CLERK OF COURT: 182, Jason Sutton -- 182.

10 MR. SUTTON: Jason Sutton. I work at Target  
11 in Lugoff.

12 CLERK OF COURT: Does the State challenge for  
13 cause?

14 MR. PASCOE: Can we approach, Your Honor?

15 THE COURT: Yes, sir.

16 THE COURT: May I see you for a moment,  
17 please? If you would, come over here, please, sir. Do  
18 you know the defendant at all?

19 MR. SUTTON: Not at all.

20 THE COURT: Did you all speak to each other  
21 about anything to each other before jury selection?

22 MR. SUTTON: No, sir. I don't know him.

23 THE COURT: Did you have any exchange of  
24 glances at each other or anything like that?

25 MR. SUTTON: I kind of looked at him when I

1 came him, but that's about it.

2 THE COURT: But you've never seen him before  
3 today?

4 MR. SUTTON: Never before.

5 THE COURT: Okay. Thank you, sir. You can  
6 step down there.

7 MR. PASCOE: Counter from the State, Your  
8 Honor.

9 THE COURT: Counsel, will you all approach?

10 MR. PASCOE: Do you want us to approach?

11 THE COURT: Yes. You all are okay?

12 MR. PASCOE: Yes, sir.

13 THE COURT: Both sides are okay? All right.  
14 I'm sorry, I missed that last part. The State's not  
15 counter?

16 MR. PASCOE: No, sir.

17 THE COURT: Okay. And defense is not  
18 counter?

19 MR. LITTLEJOHN: Seat the juror.

20 THE COURT: Okay. Thank you, sir.

21 THE COURT: You can have a seat, sir.

22 CLERK OF COURT: Please have a seat in the  
23 jury box.

24 THE COURT: Counsel, anything related to jury  
25 selection?

1 MR. PASCOE: Yes, sir. Beg the Court's  
2 indulgence.

3 THE COURT: Yes, sir.

4 MR. PASCOE: Is it okay to approach, Your  
5 Honor?

6 THE COURT: Yes, sir.

7 THE COURT: Okay, ladies and gentlemen who  
8 have been seated on the jury, I'm going to ask if you  
9 all will follow the bailiff to the jury room. Do not  
10 discuss anything about the case at all, whether it's  
11 related to the allegation that I read to you in the  
12 indictment, the witnesses, anything I've asked you  
13 today during jury selection.

14 Just, please, if you will, just bear with us  
15 shortly. Just don't talk about anything about this  
16 case or anything you've heard this morning. You all  
17 will wait in the jury room. I'll bring you back out  
18 shortly. Thank you.

19 (Jury out at 12:48 p.m.)

20 THE COURT: All right, ladies and gentlemen  
21 who were not picked on the jury, if you could, they  
22 will show you next door to the courtroom next door.  
23 I'm going to have you sit in that courtroom while I  
24 take up some matters with the attorneys outside your  
25 presence.

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1           Again, much like the folks I just sent out, I  
2   ask that you just not talk about the case or anything  
3   that you've heard or seen this morning. And we'll  
4   bring you back shortly, okay? Thank you.

5                               (Jury pool moved to a nearby  
6   courtroom at 12:50 p.m.)

7           THE COURT: Okay, Mr. Pascoe.

8           MR. PASCOE: Thank you, Your Honor. We want  
9   to challenge some of the defense's strikes, Your Honor.  
10   We noticed he used a total of ten strikes, nine of them  
11   on whites. In fact, he only seated one white male, and  
12   I think that was an alternate, wasn't it?

13                   Specifically, if we just go right down the  
14   line, if we could hear what the reasonings are for  
15   those strikes.

16           THE COURT: Yes, sir.

17           MR. PASCOE: Mr. Petrus, Juror 210.

18           MR. LITTLEJOHN: Your Honor, if you could  
19   give us just a minute. I'm trying to put the  
20   information together with the jurors.

21           THE COURT: Okay.

22           MR. LITTLEJOHN: And I'll be happy to address  
23   those concerns.

24           THE COURT: Yes, sir. Do you need a moment  
25   before he reads off the list, or do you want to hear

1 the list?

2 MR. LITTLEJOHN: If you could give me just a  
3 moment --

4 THE COURT: Okay.

5 MR. LITTLEJOHN: -- I'll be ready to respond  
6 to all of them.

7 THE COURT: Yes, sir.

8 MR. PASCOE: That's fine.

9 THE COURT: Mr. Littlejohn, I don't mean to  
10 rush you, but I would assume you all had reasons for  
11 striking them at the time.

12 MR. LITTLEJOHN: We did, Your Honor. It just  
13 goes so fast, I was trying to put the faces with the  
14 names --

15 THE COURT: Okay.

16 MR. LITTLEJOHN: -- and just make sure I'm  
17 accurate before I address the Court.

18 THE COURT: Yes, sir.

19 MR. LITTLEJOHN: We're ready, Your Honor.

20 THE COURT: Okay.

21 THE COURT: Mr. Pascoe, I think we started  
22 off with --

23 MR. PASCOE: We're not challenging all the  
24 strikes, Your Honor --

25 THE COURT: Okay.

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1 MR. PASCOE: -- just certain factors. Let me  
2 just call out the ones.

3 THE COURT: Okay.

4 MR. PASCOE: Specifically, I think it was  
5 Juror 136, Mr. Nelson, white male.

6 THE COURT: I think you had originally said  
7 210.

8 MR. PASCOE: Well, I can list it out -- yes,  
9 Mr. Petrus.

10 THE COURT: Okay.

11 MR. LITTLEJOHN: Your Honor, I think for  
12 purposes of the record, we need to go through all of  
13 them, if I'm not mistaken. I don't think he can just  
14 him.

15 MR. PASCOE: We can go through all of them.  
16 To speed it up, we're just making a challenge.

17 THE COURT: Yes, okay. Why don't you just  
18 state the grounds for your challenge?

19 MR. LITTLEJOHN: Your Honor, if 210 was  
20 Petrus, he said he had met the victim before, and he  
21 was acquainted with him. And that reason alone, I  
22 feel, is sufficient to strike him.

23 MR. PASCOE: And that's why we're going to  
24 concede that one. That's why I went to Mr. Nelson.

25 THE COURT: Okay, that's number 136.

1 MR. LITTLEJOHN: Quite frankly, as to Mr.  
2 Nelson, there was just something about his attitude  
3 that my client didn't like, and it had nothing to do  
4 with his race. He just didn't feel like he was going  
5 to be serious as to these proceedings.

6 MR. PASCOE: That's not a reason, Your Honor.  
7 How do you not like his attitude? That's not a reason.

8 THE COURT: Anything specific about what he  
9 didn't like?

10 MR. LITTLEJOHN: Your Honor, I think we have  
11 to look at all of them to see what the ratio is, etc.  
12 I think you just can't pull one out of all.

13 THE COURT: And Mr. Pascoe is saying which  
14 ones he is raising a challenge as to, and I'm just  
15 trying to get the reason for the strike from the  
16 defense first. And there may be some overall argument  
17 that you all have as to the whole group. I don't know.  
18 But as to 136, I'm just trying to write down what he  
19 justified the strike on.

20 MR. LITTLEJOHN: Your Honor, those were his  
21 words to me, that he just appeared flippant and to not  
22 be interested in the proceedings, and for that reason,  
23 we did not feel he would be a good juror.

24 THE COURT: Okay.

25 THE COURT: All right, Mr. Pascoe.

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1 MR. PASCOE: I'd like to know he appeared  
2 flippant. I observed that juror as all the jurors, and  
3 he never appeared flippant. I think they're making it  
4 up. When he came up to the microphone, he was  
5 professional. He said where he went to school. There  
6 was nothing flippant about what he did. That's just  
7 not a reason.

8 MR. LITTLEJOHN: Your Honor, first off, I  
9 don't make up things that I present to the Court.  
10 That's what we observed, and that was the reason that  
11 my client did not want him on the jury.

12 THE COURT: Okay.

13 MR. PASCOE: But he didn't say that he  
14 observed it originally. He was trying to say that his  
15 client -- I just don't think that's a very -- that's a  
16 real reason.

17 THE COURT: Well, let me hear the rest of  
18 them --

19 MR. PASCOE: Okay.

20 THE COURT: -- and then I'll put it in the  
21 context -- number 136. What's the next number?

22 MR. PASCOE: 214, Your Honor, Mr. Brown.

23 THE COURT: 214 -- your reasoning for  
24 rejection as to that?

25 MR. LITTLEJOHN: Your Honor, this gentleman

1 came up and recounted he had read something about the  
2 case. He was interviewed by the Court individually,  
3 and at that time, he made a statement to the effect  
4 that he thought this was just another shooting. And we  
5 didn't think that was a serious enough attitude to be  
6 involved in this particular jury.

7 THE COURT: All right, sir.

8 THE COURT: Mr. Pascoe.

9 MR. PASCOE: If you only put African-  
10 Americans on the jury, specifically an African-  
11 American, you said that she heard that the victim came  
12 from a good family, that approach that said that she  
13 had knowledge about what happened? And we were all  
14 there. What that juror was saying was that that's all  
15 he had heard, so it wouldn't affect him being a fair  
16 juror.

17 THE COURT: That's the way I took his comment  
18 at the sidebar --

19 MR. PASCOE: Yes, sir.

20 THE COURT: -- is that he was referring to "I  
21 didn't dwell on it," not that he was being flippant  
22 about the case. That's certainly the reason for the  
23 strike as to 214. What's the next juror?

24 MR. PASCOE: The one we were going to  
25 challenge, Your Honor, is Wagener, 211.

1 THE COURT: Okay, Mr. Littlejohn?

2 MR. LITTLEJOHN: Your Honor, she's a white  
3 female. She works in the banking industry. People in  
4 the banking industry tend to be very conservative, and  
5 for that reason, we felt like that was our non-gender,  
6 non-racial decision.

7 MR. PASCOE: Speaking of conservative, Your  
8 Honor, to put a black male who works at the Budget and  
9 Control Board -- someone who works at a bank is  
10 conservative, but someone who works for the State  
11 isn't, especially the Budget and Control Board? But  
12 the difference being she's a white female; he is an  
13 African-American male.

14 THE COURT: Anything further, Mr. Littlejohn,  
15 as to that juror?

16 MR. LITTLEJOHN: No, Your Honor.

17 THE COURT: The next one, Mr. Pascoe.

18 MR. PASCOE: The next one we're going to  
19 challenge, Your Honor, is 116, Mr. Manning.

20 MR. LITTLEJOHN: Your Honor, he's in the  
21 United States Air Force and is obviously employed by  
22 the government. And that would be our reason, that he  
23 works for the government.

24 MR. PASCOE: Mr. Brown is an African-American  
25 male, Your Honor --

1 THE COURT: That's just what we went through.

2 MR. PASCOE: -- who works for the government.

3 THE COURT: You just left somebody on who  
4 worked for the government. Was it just the federal  
5 government?

6 MR. LITTLEJOHN: Yes, sir. He's a pilot, and  
7 they seem to be very strait-laced.

8 THE COURT: All right, sir, the next one.

9 MR. PASCOE: Our next challenge, Your Honor,  
10 is going to be Ms. Massey. I think it's Juror 118.  
11 She was the first alternate they struck.

12 THE COURT: Okay. What's the reason for that  
13 one?

14 MR. LITTLEJOHN: Your Honor, this lady worked  
15 at USC. And certainly with the number of people that  
16 were affiliated with USC, we had to use our strikes  
17 where we thought they were appropriate. But we felt  
18 that she might be around some of these witnesses and  
19 might have some contact with the football team.

20 MR. PASCOE: Well, Your Honor, after hearing  
21 that, I will concede. I'll have to concede that he  
22 even did strike an African-American male who I think  
23 went to USC. So I'd withdraw my motion on that one.

24 THE COURT: As to 118?

25 MR. PASCOE: Yes, sir. And, finally, a Mr.

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1 Stone, an alternate, Juror 179.

2 MR. LITTLEJOHN: Your Honor, that juror  
3 indicated in the individual voir dire that he lives  
4 close to the Voodoo Club and that's why it drew his  
5 interest. And we felt for that reason that might put  
6 some pressure on him. If you recall, he said the  
7 incident happened down the street from his house.

8 THE COURT: All right, Mr. Pascoe, anything  
9 else on that one?

10 MR. PASCOE: I don't have anything else on  
11 Mr. Stone.

12 THE COURT: Mr. Littlejohn, two of these in  
13 particular bother me a little bit, given the totality  
14 of the exercise of strikes, in particular Juror 136.  
15 And certainly he's got a right to exercise strikes in a  
16 constitutional manner, but I'm not hearing anything in  
17 particular about that particular juror that made it  
18 seem like he didn't take this case seriously.

19 What also bothers me is as to 116. Your  
20 initial justification was that he worked for the  
21 government, and there was another government employee  
22 allowed -- black government employee allowed -- to be  
23 seated. Can you explain those two?

24 MR. LITTLEJOHN: Your Honor, it just seems to  
25 me there's a great deal of difference between a white

1 person who works for the State at the Budget and  
2 Control Board and someone who is -- he said he was a  
3 pilot, so I'm assuming he's an officer in the United  
4 States Air Force. Being in the military, I would  
5 submit, is a lot different than being a regular person  
6 who is employed by the State.

7 Your Honor, I also think the Court has to  
8 look at the overall composition of the jury as  
9 constituted at present.

10 THE COURT: Okay. Anything further from the  
11 State?

12 MR. PASCOE: No, Your Honor.

13 THE COURT: All right. Mr. Littlejohn, I'm  
14 going to find that there is not a violation here, given  
15 the overall composition of the jury and the reasons  
16 you've offered. I think you make a point that you  
17 could exercise your strike if you thought that somebody  
18 in the Air Force was more conservative because they  
19 would be an officer in the military.

20 I understand that's your rationale for the  
21 211 who you struck, who was in banking, and you believe  
22 they tend to be more conservative. So I find that your  
23 overall exercise of strikes is not racially or gender  
24 biased. But I'll certainly note an exception if Mr.  
25 Pascoe wishes to make one.

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1 MR. PASCOE: Thank you, Your Honor. I don't  
2 have anything.

3 THE COURT: Okay. Thank you, sir.

4 MR. PASCOE: And, honestly, I agree with the  
5 Court over one juror. I was going to tell you I didn't  
6 want to repick a jury if it came down to just that one  
7 juror being a problem.

8 THE COURT: Okay.

9 MR. PASCOE: So I certainly agree with the  
10 Court.

11 THE COURT: Thank you, sir. All right,  
12 counsel, I'm going to bring the jury back in first and  
13 get them situated for lunch, and then we'll break for  
14 lunch. And then we'll dismiss the rest of the panel.

15 (Jury back in at 1:08 p.m.)

16 BAILIFF: The jury is present, Your Honor.

17 THE COURT: Okay, thank you, sir.

18 THE COURT: Ladies and gentlemen of the jury,  
19 we're going to break for lunch at this point. We'll  
20 take care of lunch for you all. In just a little bit,  
21 I'll send you back to the jury room, and they'll give  
22 you some instructions regarding lunch there. I ask  
23 that while you're at lunch you not talk about the case  
24 at all, you not talk about any of the facts or  
25 questions that you've heard here this morning.

1 I think you all can talk about Christmas  
2 shopping or the upcoming bowl season or anything like  
3 that, but I ask that you not talk at all about the  
4 case. And when we come back -- we'll be back at 2:30 -  
5 - we'll swear you all in, and we'll get started on the  
6 case at that point. So, in the meantime, I just ask  
7 that you all enjoy your lunch, get to know each other,  
8 and do not talk about the case at all. Thank you.

9 And let me also reiterate to you all, because  
10 there was an article in the paper that did relate to  
11 this case, that you all not look at the paper while  
12 you're at lunch. And we'll see you all at 2:30. Thank  
13 you.

14 BAILIFF: You want them sent to the jury  
15 room?

16 THE COURT: Yes, why don't you send them back  
17 to the jury room.

18 (Jury sent to lunch at 1:15  
19 p.m. to 2:30 p.m.)

20 THE COURT: Okay, thank you, sir.

21 THE COURT: All right, counsel, rather than  
22 having you all sit here, if you all have no objection,  
23 I'll just go next door to the courtroom next door and  
24 send the rest of the panel downstairs, and they can get  
25 their further instructions. And we'll see you all at

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1 2:30. Thank you, counsel.

2 (Break for lunch until 2:30  
3 p.m.)

4 THE COURT: Counsel, are we ready to go into  
5 opening arguments?

6 MR. PASCOE: Yes, sir, I'm ready, Your Honor.

7 MR. LITTLEJOHN: The defense is ready, Your  
8 Honor.

9 THE COURT: Okay, thank you. I think we're  
10 ready for the jury.

11 BAILIFF: The jury is present, Your Honor.

12 (The jury returned to the  
13 courtroom at 2:43 p.m., after which the following  
14 proceedings were had:)

15 THE COURT: Thank you, sir.

16 THE COURT: Thank you, ladies and gentlemen.  
17 I hope you all had a good lunch. We're ready to start  
18 the trial now.

19 The first thing I will ask you all to do is  
20 actually stand one more time, raise your right hands,  
21 and be sworn in as members of this jury.

22 CLERK OF COURT: Thank you, Judge. Please  
23 answer "I do," or "I will," at the end of my statement.

24 (Jury was sworn.)

25 CLERK OF COURT: Thank you. Please have a

1 seat.

2 THE COURT: Thank you, sir.

3 CLERK OF COURT: Yes, sir.

4 THE COURT: All right, ladies and gentlemen,  
5 we will open with opening statements from both the  
6 State and the defense counsel. I always remind jurors  
7 that opening statements and closing arguments are like  
8 questions actually from the attorneys. They're not  
9 evidence.

10 The only evidence that you all actually are  
11 to consider -- and I will instruct you further on this  
12 at the close of the case -- is testimony from the  
13 witness stand, and exhibits, and evidence that I  
14 actually introduce. Having told you that, however,  
15 opening statements are an opportunity for the attorneys  
16 to go over with you what they believe the evidence in  
17 this case will show, from both sides' perspective.

18 So I ask that you pay close attention to  
19 their opening statements. And after that, we'll start  
20 taking testimony.

21 THE COURT: Mr. Pascoe?

22 MR. PASCOE: May it please the Court?

23 THE COURT: Yes, sir.

24 **OPENING STATEMENT**

25 **BY MR. PASCOE FOR THE STATE**

Opening by the State

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1                   During the early morning hours of  
2     Saturday, December 7th, of last year, 22-year-old Carl  
3     Smalls, Jr., was hunted, gunned down, and murdered by  
4     that man, Jeroid Price, and his friend, Ryan Brooks --  
5     hunted and murdered by the defendant and his friend.  
6     Specifically, as the evidence will show you, the  
7     defendant and his friend, Ryan Brooks, approached Carl  
8     Smalls at a club called Club Voodoo's right after the  
9     party had ended.

10                   They pulled out guns, they shot him, and  
11     they ran. In the case of the defendant, he ran for  
12     months. And what did Lillie and Carl Smalls, Sr., lose  
13     their son over? Absolutely nothing -- gang signs,  
14     trash talk.

15                   Ladies and gentlemen, during the course  
16     of this trial and at the end of it, you are going to  
17     realize at least three things and get just one request  
18     from me. First, you are going to realize that the  
19     defendant is guilty of murder; that the defendant and  
20     Ryan Brooks shot Carl Smalls and left him there to die  
21     on that nightclub floor. Second, we have gangs in  
22     Richland County. We have rival gangs in Richland  
23     County.

24                   We have Crips and Crip want-to-be's who  
25     wear blue and throw up signs. We have Bloods, who wear

Opening by the State

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1 red and do their thing. Carl Smalls, unfortunately,  
2 even though he had his whole life ahead of him,  
3 affiliated himself with the Crips. Jeroid Price, we  
4 will prove, is a Blood. And the importance of that  
5 realization or the significance, the relevance of it,  
6 is that you will see just how little it takes to get  
7 killed in this world.

8 Getting in someone's face, trash talk,  
9 throwing up gang signs, wearing the wrong colors can  
10 get you killed. Is that reasonable? Absolutely not.  
11 It's absurd, but it's a fact. Third, you will see  
12 that, even though there were still hundreds of people -  
13 - at least dozens -- at Club Voodoo's the night Carl  
14 was murdered by the defendant, amazingly very few  
15 people came forward.

16 And even when the police went out and  
17 found relevant witnesses, friends of the defendant,  
18 you'll hear how they lied repeatedly. And what's even  
19 more amazing, something I've never had to tell a jury  
20 in my 11 years as a prosecutor, some of the State's  
21 witnesses that we call may still not tell the truth,  
22 whether it's because they're afraid, whether they're  
23 protecting their friend or themselves.

24 But one thing I do know is that, while  
25 you can run from the truth, you can't hide from it,

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1 which brings me to the only request I will have for you  
2 at the end of this case, which is this -- do what you  
3 just took an oath that you would do. It's not up to  
4 the State of South Carolina to render a truthful  
5 verdict, or the witnesses, or the defense, or even  
6 Judge Lloyd. That rests solely upon you.

7 And I ask that you assess the  
8 credibility of every single witness who gets on that  
9 witness stand. You deal with people every single day.  
10 You know when somebody's lying, and you know why  
11 they're lying. You know when somebody's telling the  
12 truth. And I ask at the end of this case that you tell  
13 the world what the truth is, that the truth matters, by  
14 holding the defendant, Jeroid Price, responsible for  
15 this cold-blooded murder.

16 Ladies and gentlemen, my name is David  
17 Pascoe, and I, along with Don Sorenson and Bryan  
18 Jeffries, will be prosecuting this case on behalf of  
19 the State of South Carolina. Also seated at the  
20 State's table is Lt. Stan Smith. He's the lead  
21 investigator on this case from the Richland County  
22 Sheriff's Department.

23 And seated behind the State's table are  
24 Carl Smalls, Sr., his wife Lillie, and other family  
25 members of Carl, Jr. On behalf of both the Smalls

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1 family and the State of South Carolina, I want to thank  
2 each and every one of you for being here today. I know  
3 you didn't volunteer for jury service. But the fact of  
4 the matter is that jury duty -- other than what our men  
5 and women are doing for us overseas right now, jury  
6 duty is the most important service you can perform for  
7 your country, and I certainly concur with that.

8 Before I go further into what some more  
9 of the facts are going to be in this case, I want to  
10 very briefly talk to you a little bit about the law  
11 with regards to murder. And I promise to be brief,  
12 because you're going to have a number of opportunities  
13 to hear about the law, the most important time coming  
14 when Judge Lloyd will charge you on the law before you  
15 are asked to render your verdict.

16 Murder has probably the shortest and  
17 simplest definition of any crime on our books. Murder  
18 is defined as the unlawful killing of another with  
19 malice aforethought, either express or implied. That's  
20 it -- the unlawful killing of another with malice  
21 aforethought.

22 Thus, to prove murder, all you have to  
23 establish is malice. And malice has a number of  
24 definitions. It's a person void of social  
25 responsibility, reckless disregard for the welfare of

Opening by the State

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1 another. It's an intentional act of violence. Malice  
2 has no time limit. It can happen in the blink of an  
3 eye and the snap of a finger. And as I said, malice  
4 can either be express or implied.

5 An example of express malice would be  
6 saying you're going to hurt someone, or motioning that  
7 you're going to hurt someone, and then doing it, lying  
8 in wait for the victim or seeking the victim. These  
9 are all examples of express malice. And while I submit  
10 we will prove examples of express malice in this case,  
11 the law recognizes you usually don't have express  
12 malice. So malice can also be implied.

13 And just one example of implied malice  
14 would be the mere use of a deadly weapon, such as a  
15 gun. Shooting the victim one time is malice; two  
16 times, more malice; three times, even more malice.  
17 That's murder -- the unlawful killing of another with  
18 malice aforethought, either express or implied.

19 And the standard of proof with which the  
20 State must prove the defendant's guilt is proof beyond  
21 a reasonable doubt. This phrase means exactly the  
22 same. It's not proof beyond any doubt. It's not proof  
23 beyond any possible doubt. It's proof beyond a  
24 reasonable doubt. The simple matter of the fact is we  
25 have doubts about everything in this world. Some may

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1 doubt whether the earth revolves around the sun.

2 But you have to ask yourself, is it  
3 reasonable? And, in essence, what proof beyond a  
4 reasonable doubt means is after you've looked at all  
5 the evidence -- not just one piece of it, but after  
6 you've looked at all the evidence -- if you are firmly  
7 convinced, just firmly convinced, of the defendant's  
8 guilt, you must find him guilty. And I submit the  
9 evidence will leave you much, much more than firmly  
10 convinced.

11 The evidence will be that 22-year-old  
12 Carl Smalls was a student at the University of North  
13 Carolina. He played football there. He was on the  
14 defensive line. He came down here on December 6th,  
15 that Friday of last year, to visit his girlfriend of  
16 some four or five years, Joy Ellington. He also wanted  
17 to visit some of the South Carolina football players,  
18 because he actually played his freshman year here at  
19 South Carolina.

20 Carl learned later that day that a USC  
21 fraternity was throwing a party. I think it was the  
22 Alpha fraternity at USC. They were going to throw a  
23 party at Club Voodoo's off of Garners Ferry Road. Carl  
24 and Joy both went together to the party that night.  
25 You're going to hear that the place was packed and that

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1 security was an absolute joke.

2 Carl and Joy at one point in the night  
3 got into a little argument over nothing, boyfriend-  
4 girlfriend stuff. They made up, but Joy wanted to  
5 leave with a girlfriend. She didn't want to go there  
6 to begin with. But before leaving, she asked Carl if  
7 he was going to be okay, and he said he would, that  
8 he'd catch a ride with a Carolina football player.

9 Unfortunately, for Carl Smalls -- and as  
10 you're going to hear and see from the evidence -- even  
11 though this was a college fraternity, the defendant and  
12 his friends showed up -- because another thing you're  
13 going to see is that there are gang want-to-be's and  
14 then there are real gang members.

15 You have want-to-be's who maybe know the  
16 colors, know the signs, know the walk. And you have  
17 the real thing, the gang members that tote guns, the  
18 Jeroid Prices of the world. The evidence will be that  
19 about 2:00 that morning, or right before 2:00 that  
20 morning, the defendant and his group of people got into  
21 a verbal confrontation with Carl Smalls and some of  
22 Carl's friends.

23 They got in each other's faces. They  
24 threw signs at one another. It was finally broken up,  
25 but not before Carl was actually told that night that

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1 he was going to fall. Right at 2:00 in the morning,  
2 the party ended. People were supposed to exit the  
3 building at 2:00 in the morning. Carl briefly exited,  
4 but for some reason -- which we will prove why Carl  
5 came back into that building -- he came back in, I  
6 submit because he knew he was in trouble, and he waited  
7 by that door.

8 You're going to hear from a number of  
9 witnesses who had different vantage points to this  
10 murder, some from the outside and some from the inside.  
11 And the facts will be -- the truth will be -- that Ryan  
12 Brooks and the defendant, Jeroid Price, approached Carl  
13 Smalls and that Carl Smalls struggled for his life.  
14 Ryan Brooks pulled out a .380 semi-automatic pistol.

15 The defendant pulled out a larger .40-  
16 caliber pistol. And they pointed it at Carl as he  
17 struggled, and they shot him three times, the last  
18 shots being fired while the defendant was standing over  
19 him. He was shot in the hip, the waist, and right  
20 through the chest. Carl Smalls died on that floor, and  
21 the defendants ran. Ryan Brooks finally turned himself  
22 in in January of this year. The defendant finally  
23 turned himself in in late March, three and a half  
24 months after this incident.

25 Now, this is just some -- and I'll

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1 stress "some" -- of the evidence that you're going to  
2 hear in this case, because you're also going to hear  
3 about how Carl actually had gunshot residue all over  
4 his left hand from struggling with those defendants  
5 over those guns and from being shot at close range by  
6 those defendants.

7 A bullet actually grazed his arm.  
8 You're going to hear that less than a week after this  
9 murder, when the police searched the defendant's  
10 apartment, of course, the defendant isn't there, but  
11 they find gang material, and they find a gun box for a  
12 .40-caliber pistol, the same type of gun that was used  
13 to kill Carl Smalls. And they found much, much more.

14 You're also going to hear, ladies and  
15 gentlemen, I submit, a voice from the grave. You are  
16 going to hear a call that Carl Smalls made minutes,  
17 maybe seconds, before he was gunned down, a call to  
18 911, a call for help. This is just some -- and I want  
19 to stress "some" -- of the evidence that you're going  
20 to hear about in this case.

21 You're also going to hear about how the  
22 defendant, while he was on the run, had communication  
23 with the police. He would call them from a cell phone  
24 and make inconsistent statements. At first, he would  
25 tell them, "Well, I wasn't even there. I've got an

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1 alibi." And then when the police found that that  
2 wasn't true, he would allude to self-defense and,  
3 again, much, much more.

4 In closing, I want to thank you again  
5 for your service. And I want to throw one last thing  
6 out at you, which is that, while there are no classes  
7 on how to be a good juror, I submit each and every one  
8 of you has been training for this job your whole life.  
9 Some of you have been training as teachers, as parents,  
10 as students, and it's this diversity of experience  
11 you're asked to bring together, use your common sense,  
12 and render a verdict.

13 "Verdict" is a Latin word. It means  
14 "veredicto." Literally -- and this is going to  
15 surprise you -- it means to speak the truth. All I'm  
16 asking you is that you tell us what the truth is about  
17 December the 7th of last year. And I submit if you do  
18 that, the only truthful verdict you can render is that  
19 the defendant is guilty. Thank you.

20 THE COURT: Thank you, Mr. Pascoe.

21 THE COURT: Mr. Littlejohn?

22 MR. LITTLEJOHN: May it please the Court?

23 THE COURT: Yes, sir.

24 OPENING STATEMENT BY MR. LITTLEJOHN

25 FOR THE DEFENSE

Opening by the Defense

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1                   Good afternoon, ladies and gentlemen.  
2           I'm going to use some notes here. I'm not as young Mr.  
3           Pascoe, and my memory is not quite as good. I can't  
4           remember all this stuff, and this is too important a  
5           case for me to forget something. I want to thank you  
6           for being here.

7                   As the Judge said, and as Mr. Pascoe  
8           said, this is a very important duty which you are about  
9           to undertake, the duty of being a jury member. Winston  
10          Churchill once said that other than serving your  
11          country during wartime, being on the jury is the most  
12          important service that you can render to your country.  
13          So I want to thank you for being here.

14                   I want to thank you for having set aside  
15          your jobs, and your family, and your Christmas  
16          shopping, and everything that goes on at this time of  
17          year to be the jury in this case.

18                   Ladies and gentlemen, again, my name is  
19          Cam Littlejohn. I'm a sole practitioner here in  
20          Columbia, and I, along with Amye Rushing, represent the  
21          defendant, Jeroid Price. Jeroid, would you stand up  
22          for a second? This is Jeroid Price. This is the man  
23          who is charged in the indictment. Thank you. I wanted  
24          you to see Jeroid, and see how tall he is and how big  
25          he is, because that's going to become important in this

## Opening by the Defense

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1 case.

2 Now, I think you'll find that your  
3 service here will be very interesting. I noted during  
4 the qualification earlier today that there weren't too  
5 many people that had ever served on a jury before. And  
6 I'm assuming that many of you have never been on a jury  
7 before, and I think you will find it interesting, and I  
8 think you will find it enlightening to learn how our  
9 system of jurisprudence, how our criminal justice  
10 system, works in this country.

11 And there are a number of rules that we  
12 go by and a number of principles that are very  
13 important to the way we handle criminal cases in this  
14 country. And I'll discuss that in a minute.

15 But, first off, let me tell about the  
16 two things that are for sure in this case. And Mr.  
17 Pascoe mentioned several things he thought were for  
18 sure. Number one, unfortunately, there is a man who is  
19 dead. Secondly, there is a man over here at this table  
20 that is on trial for his life. And this is a very  
21 important case, as I mentioned. It's important to  
22 Jeroid Price for obvious reasons. But how did we get  
23 here? Well, let me tell you how we got here.

24 As Mr. Pascoe said, there was a shooting  
25 at the Voodoo Lounge, which is out on Garners Ferry

Opening by the Defense

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1 Road, on December 7, 2002. The Richland County  
2 Sheriff's Department went out there and investigated,  
3 and you're going to hear from various witnesses with  
4 the Sheriff's Department how they investigated, and  
5 what they found, and who they interviewed, who they  
6 didn't interview. So you'll be privy to that. You'll  
7 have the benefit of all that.

8 But after the police investigated, they  
9 went to the Magistrate and they got a warrant. They  
10 got a warrant charging Jeroid Price with murder. When  
11 they made application for that warrant, Jeroid Price  
12 wasn't there. I wasn't there. Nobody was there  
13 representing Jeroid Price. They got a warrant for him.  
14 Later, after Jeroid turned himself in, they went to the  
15 Grand Jury, and the Grand Jury heard the Solicitor's  
16 side of the case -- the State's side -- and they  
17 returned a true bill, an indictment. You'll hear that  
18 term as we go along.

19 An indictment is a formal charge. So we  
20 have to have an indictment in order to proceed. But  
21 the indictment is not evidence, and the fact that the  
22 Magistrate issued a warrant is not evidence, and the  
23 fact that the Grand Jury took some action is not  
24 evidence.

25 The defendant in this case, like in any

Opening by the Defense

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1 other case, is presumed to be not guilty as he sits  
2 here right now. And His Honor is going to explain that  
3 to you at the conclusion of this case. He has a  
4 presumption of innocence that follows him the entire  
5 way through this case -- not after one witness, not  
6 after two, not after three, but through the entire  
7 case. And so I ask you to bear that in mind, to keep  
8 your mind open, to listen to all the testimony before  
9 you decide anything in this case. And His Honor will  
10 tell you, that's what you have to do as jurors.

11 And that's the beauty of our system,  
12 ladies and gentlemen. A man or a woman is presumed to  
13 be innocent. They have the right to a trial. We don't  
14 allow people in this country to be punished because  
15 some dictator or some secret police says, "Hey, I think  
16 he did something bad. We're going to throw him in  
17 jail." It doesn't work like that. Our system of law  
18 and justice requires that the government prove somebody  
19 -- prove that they're guilty beyond a reasonable doubt  
20 by a jury of that person's peers, such as you, before  
21 they can be found guilty.

22 That applies to everybody that's  
23 excused. It applies to you, and me, and everybody in  
24 this city, everybody in this state, everybody in this  
25 country -- and Jeroid Price.

Opening by the Defense

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1                   Mr. Pascoe told you -- and His Honor is  
2 going to instruct you -- that the State has to prove  
3 this case beyond a reasonable doubt. They have to  
4 prove that there was an unlawful killing of a person  
5 with malice aforethought. Those are individual  
6 elements, individual words. They have to prove that it  
7 was unlawful, there was a killing, and that it was done  
8 with malice aforethought.

9                   Each one of those elements have to be  
10 proven by the State. Now, His Honor will instruct you  
11 as to all these elements at the conclusion, and you'll  
12 have the benefit of that information. But I want to  
13 emphasize that they must prove all these things.  
14 They've got to prove that it was an intentional  
15 killing. They've got to prove that it wasn't a case of  
16 mistaken identity. They've got to prove it wasn't an  
17 accident.

18                   They've got to prove it wasn't self-  
19 defense. They have the burden, because that's the way  
20 our system works. The burden of proof is squarely on  
21 them, because we don't allow dictators and secret  
22 police to dictate who's convicted of crimes. If you  
23 aren't convinced, when all the evidence is in, of what  
24 happened on December 7th, if you're not convinced that  
25 they've proven those elements, you have to render a

Opening by the Defense

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1 verdict of not guilty. That's your duty. That's how  
2 the system works.

3 Now, what happened that night of  
4 December 7, 2002? I don't know. I wasn't there. Mr.  
5 Pascoe wasn't there. He doesn't know what happened.  
6 Judge Lloyd wasn't there. He doesn't know what  
7 happened. You weren't there. You don't know what  
8 happened. And the way we determine these things is  
9 through testimony, through physical evidence that may  
10 be introduced, there may be some expert testimony.

11 But after all that information is  
12 processed and given to you, then you go back and apply  
13 your common sense to what you've heard, and you  
14 determine what the truth is. You determine whether  
15 that burden of proof has been met. But I submit to  
16 you, ladies and gentlemen, that after you hear all the  
17 evidence in this case, you still aren't going to know  
18 what happened on December 7, 2002, at the Voodoo  
19 Lounge.

20 And if you aren't convinced, you can't  
21 find Jeroid Price guilty. You're going to hear  
22 conflicting statements, as Mr. Pascoe indicated.  
23 You're going to hear witnesses that testimony doesn't  
24 mesh, testimony that's at conflict with each other,  
25 testimony that's at conflict with the physical

Opening by the Defense

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1 evidence. That's going to happen. That's one thing I  
2 think you can be sure of.

3 There's going to be physical evidence  
4 presented that won't add up, that won't mesh, that  
5 won't be convincing. And if it doesn't add up, if it  
6 doesn't convince you, then you have to say not guilty.  
7 That's how the system works.

8 Now, ladies and gentlemen, I could get  
9 up here and go on and tell you what I think is going to  
10 happen during the presentation of evidence in this  
11 case, but I don't know. So rather than me get up and  
12 say, "Well, you're going to hear this, and you're going  
13 to hear that," I'd rather just sit down and let the  
14 witnesses start presenting their case, and we'll go  
15 forward and get going with this trial.

16 So I'm going to ask you to do three  
17 things. I'm going to ask you three things that I know  
18 you'll do. And the first one is listen to the evidence  
19 very closely. The second one is listen to the law or  
20 the legal instructions that Judge Lloyd gives you at  
21 the end of the case. And the third thing is I ask you  
22 to keep your minds open and wait till you hear  
23 everything before you try and make any kind of decision  
24 in this case.

25 And after you've heard all that, I think

Opening by the Defense

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1 you'll agree with me. You still won't know what  
2 happened at the Voodoo Lounge on December 7th. Thank  
3 you.

4 THE COURT: Thank you, sir.

5 THE COURT: Mr. Pascoe, are you ready to call  
6 the first witness?

7 MR. PASCOE: The State calls Ryan Brooks.

8 CLERK OF COURT: Place your left hand on the  
9 Bible and raise your right as best you can.

10 (The witness was sworn.)

11 CLERK OF COURT: Please have a seat up there,  
12 speak into the microphone, and state your full name for  
13 the record.

14 THE COURT: State your full name for the  
15 record.

16 MR. BROOKS: Ryan Christopher Brooks.

17 THE COURT: Mr. Pascoe.

18 RYAN CHRISTOPHER BROOKS,  
19 having first been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. PASCOE:

22 Q Good afternoon, Mr. Brooks.

23 A Good afternoon.

24 Q Sir, you're charged for the death of Carl  
25 Smalls, is that correct, sir? Are you charged with

Ryan Brooks - Direct

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1 murder?

2 A Yes.

3 Q You're charged along with a co-defendant, Mr.  
4 Price?

5 A Yes.

6 Q Are you currently in the Richland County  
7 Detention Center?

8 A Yes.

9 Q Do you have an attorney?

10 A Yes.

11 Q Josh Kendrick, who was in the courtroom  
12 earlier -- you do have an attorney, sir?

13 A Yes.

14 Q Are you friends with the defendant, Jeroid  
15 Price?

16 A Yes, sir.

17 Q How close of friends were you with the  
18 defendant back in December of last year?

19 A We was friends.

20 Q How long had you known the defendant? Speak  
21 up, okay?

22 A About four years.

23 Q Four years?

24 A Yes.

25 Q How often would you go out with the defendant

Ryan Brooks - Direct

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1 back in December or November of last year?

2 A Occasionally.

3 Q Had you ever been to his apartment on St.  
4 Andrews Road?

5 A Yes.

6 Q How often had you been there?

7 A Whenever I would stop by. I can't recall how  
8 many times.

9 Q Let me ask you this, Mr. Brooks. Are you a  
10 Blood?

11 A No, sir.

12 Q Were you ever a Blood?

13 A No.

14 Q Were you a Blood in December of last year?

15 A No.

16 Q Do you know if the defendant, Jeroid Price,  
17 is a Blood?

18 A No, I do not.

19 Q You do not know? Sir, did you shoot the  
20 victim, Carl Smalls, in the early morning hours of  
21 December 7th?

22 A Yes.

23 Q Okay. And how many times did you shoot Mr.  
24 Smalls?

25 A Once.

Ryan Brooks - Direct

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1 Q What type of weapon did you use when you shot  
2 Carl Smalls?

3 A A pistol.

4 Q Do you know what kind of pistol it was?

5 A A .380.

6 Q A .380 semi-automatic? What color was that  
7 gun, do you know? Do you remember?

8 A It was silverish, chrome.

9 Q Where did you get that gun from?

10 A I bought it off the streets.

11 Q Did you turn yourself in on January the 9th  
12 of this year --

13 A Yes.

14 Q -- with an attorney?

15 A Yes.

16 Q You knew that the police had been looking for  
17 you? Did you give a statement to the police on January  
18 the 9th?

19 A Yes.

20 Q A seven-page statement?

21 A Yes.

22 Q Did you tell them about the shooting?

23 A Yes, I did.

24 Q And before they took your statement, did the  
25 police read anything to you? Did they read you your

Ryan Brooks - Direct

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1 rights?

2 A Oh, yes.

3 Q Let me show you what I've marked as State's  
4 Exhibit 59 -- Madam Reporter, not for evidence, just  
5 for ID for now. Do you recognize that?

6 A Yes.

7 Q Is that the advice of rights that the police  
8 read to you on January 9th?

9 A Yes.

10 Q The same condition it was in back then on  
11 January the 9th?

12 A Uh-huh.

13 Q I'd ask that State's Exhibit 59 be admitted  
14 into evidence, Your Honor.

15 THE COURT: Any objection, Mr.  
16 Littlejohn?

17 MR. LITTLEJOHN: No, Your Honor.

18 THE COURT: Okay. Without objection,  
19 it's admitted. Is that 59?

20 MR. PASCOE: It's 59, Your Honor.

21 THE COURT: Thank you.

22 (State's Exhibit 59 was  
23 received in evidence.)

24 Q I'll let you go ahead and keep that, okay?  
25 And, very briefly, it told you you had the right to

Ryan Brooks - Direct

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1 remain silent?

2 A Yes.

3 Q And you, with your attorney, still gave the  
4 police a statement?

5 A Yes.

6 MR. LITTLEJOHN: Your Honor, I object to  
7 the leading question.

8 MR. PASCOE: I ask a little leeway in  
9 some preliminary matters, Your Honor.

10 THE COURT: I'll let you go into this  
11 preliminary matter.

12 MR. PASCOE: Thank you, Your Honor.

13 Q And you testified you gave a seven-page  
14 statement. Just for the purpose of ID, do you  
15 recognize State's Exhibit 60?

16 A Yes.

17 Q What do you recognize that to be?

18 A Statement.

19 Q Okay. Is that the statement you gave to the  
20 police?

21 A Yes.

22 Q I want you to use that if you need to refer  
23 to it, okay? Now, let me back up just a minute. Where  
24 did you go to school, Mr. Brooks?

25 A Columbia High.

Ryan Brooks - Direct

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1 Q How long did you go there?

2 A Three years, on and off.

3 Q So you weren't going to college, Benedict or  
4 Carolina, back in December of last year?

5 A No.

6 Q Okay. And back in December of last year,  
7 where were you living?

8 A Crossroads Apartments --

9 Q Did you ever --

10 A -- no, Camden Station.

11 Q I'm sorry, say that again?

12 A Camden Station.

13 Q Okay. Where is that?

14 A It's on Zimalcrest Drive.

15 Q Did you have a roommate?

16 A Yes.

17 Q And who was that?

18 A Jamel Bryant.

19 Q Okay. Now I want to take you to December the  
20 6th of last year. Where did you end up going that  
21 night?

22 A To a club.

23 Q Which club is that?

24 A Voodoo's.

25 Q Okay. Now, who did you go to Club Voodoo's

Ryan Brooks - Direct

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1 with?

2 A Me, Jason, and Anthony.

3 Q Okay. Who is Jason?

4 A That's my friend.

5 Q What's his last name?

6 A Woods.

7 Q And what is Anthony's last name?

8 A Patrick.

9 Q So Jason Woods and Anthony Patrick?

10 A Yes.

11 Q Whose vehicle did you drive to Club Voodoo's

12 then?

13 A I rode in Anthony's truck.

14 Q Okay. What color is Anthony's truck?

15 A Green.

16 Q Do you remember what type it is?

17 A It was a Rodeo.

18 Q And before I forget, how tall are you?

19 A About 6'1".

20 Q Are you taller or shorter than the defendant,

21 Jeroid Price?

22 A I believe taller.

23 Q Okay. What was your hairstyle like back on

24 the night of December the 6th?

25 A I had braids to the back.

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1 Q Okay. What about the defendant's hairstyle?

2 A I believe it was.

3 Q Okay. How much did you weigh back in  
4 December last year?

5 A 200, 220 -- something like that.

6 Q Were you a lot heavier than the defendant?

7 A Yes, and about the same size I am now.

8 Q Okay. What time did you get to the party  
9 that night with Anthony Patrick and Jason Woods?

10 A I don't remember.

11 Q Approximately.

12 A I'd say maybe 1:00, 12:00.

13 Q Was it pretty late in the evening or early  
14 morning?

15 A Yes.

16 Q And did you have a cell phone back then?

17 A Yes.

18 Q What was your cell phone number?

19 A 417-5071.

20 Q 5071?

21 A Yes.

22 Q Okay. Were you supposed to meet the  
23 defendant that night at the party?

24 A Yes.

25 Q And, in fact, had you had conversations with

Ryan Brooks - Direct

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1 the defendant on his cell phone that night after  
2 midnight?

3 A I talked to him before I got there.

4 Q Before getting to the party --

5 A Yes.

6 Q -- on the cell phone?

7 A Yes.

8 Q Did you end up meeting with the defendant  
9 that night at the party?

10 A Inside.

11 Q Okay. And what did you and the defendant end  
12 up doing when you met inside the party?

13 A We was just there on the dance floor.

14 Q Did y'all just hang out together?

15 A Yes.

16 Q Did the defendant go to Benedict or USC, to  
17 your knowledge?

18 A Not to my knowledge. I don't know.

19 Q Did you and the defendant ever have a  
20 confrontation with the victim, Carl Smalls, that night?

21 A Yes.

22 Q Okay. Why did you have a confrontation with  
23 Mr. Smalls that night, the victim?

24 A He was acting like he wanted to fight --  
25 loud.

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1 Q Was anybody throwing up gang signs?

2 A I recall he was, and some other guys he was  
3 with.

4 Q Were you throwing up gang signs?

5 A No.

6 Q Was Mr. Price throwing up gang signs?

7 A I don't recall.

8 Q You don't recall?

9 A Yes.

10 Q Would you even know how to throw a gang sign  
11 up, since you're not a Blood?

12 A No.

13 Q Did you have a gun on you when you were  
14 inside that club, sir?

15 A No.

16 Q Did the defendant have one on him when he was  
17 in the club?

18 A Not to my knowledge.

19 Q Did you know anyone working security that  
20 night?

21 A No.

22 Q Do you know anybody by the name of JayLu?

23 A I know of him, but I don't know him  
24 personally.

25 Q Okay. Describe JayLu for the jury. What

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1 does he look like?

2 A He's a big guy, tall.

3 Q And how did you know JayLu -- through who?

4 A Jeroid.

5 Q The defendant, Jeroid Price?

6 A Yes.

7 Q Let me ask you, is JayLu a Blood?

8 A I believe so.

9 Q Do you know what sect he would be involved  
10 in, by any chance?

11 A No.

12 Q So tell the jury about this confrontation  
13 that you and Mr. Price had with the victim, Carl  
14 Smalls. What happened?

15 A He was talking loud, and he was throwing up  
16 gang signs, and the guys he was with. And I guess they  
17 wanted to fight and what not.

18 Q And what did you and Mr. Price do --  
19 specifically, you and Mr. Price?

20 A I did nothing. They had words, but no action  
21 was taken [sic].

22 Q Who is "they" had words? Who is "they"?

23 A Jeroid and the victim.

24 Q When you say "Jeroid," of course, you mean  
25 the defendant, Mr. Price?

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1 A Yes.

2 Q Do you remember what kind of words they had?

3 A No, I wasn't right there on top of them.

4 Q And the victim, Carl Smalls, was a lot bigger  
5 than Mr. Price, correct?

6 A Yes, he was bigger than me.

7 Q Bigger than you. And when the party ended at  
8 2:00 in the morning, let me ask this, what did you do  
9 then?

10 A I went to the car, to go get my firearm.

11 Q Okay. Tell the jury why you went to the car  
12 to get your firearm at 2:00 in the morning.

13 A So I wouldn't get robbed in the parking lot,  
14 because I had money in my pocket.

15 Q Where did you end up going?

16 A Back inside the club.

17 Q Why did you go back inside the club?

18 A I went to go check on Jeroid.

19 Q Okay. And tell the jury what you claim  
20 happened when you went inside the club to check on  
21 Jeroid Price.

22 A I seen them talking again, closer.

23 Q And who is "them"?

24 A The victim and Jeroid.

25 Q Okay. And what happened?

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1           A     And as they was talking, the words was  
2     getting heated up or whatever. And then I seen Jeroid  
3     do something with his waist, and I seen the victim rush  
4     him. That's when I noticed that they were struggling  
5     for a pistol. The pistol was pointed in my direction.

6           Q     Who was the only person that you saw that had  
7     a pistol?

8           A     Both of them at the time. They both had  
9     hands on it.

10          Q     Whose pistol was it?

11          A     I'm not sure.

12          Q     Whose waist did it come from?

13          A     I believe it was Jeroid.

14          Q     Did the victim have a gun in his waist?

15          A     No, not that I know of.

16          Q     And tell the jury what you claim happened  
17     after you saw them struggling over the gun.

18          A     After they was tussling with the gun, and  
19     that's when the firearm came up towards my direction.  
20     That's when I fired mine.

21          Q     So why did you feel the need to fire your  
22     weapon?

23          A     Because I thought the other weapon was going  
24     to get fired at me.

25          Q     So it was self-defense, right?

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1 A Yes.

2 Q Let me show you what's been marked State's  
3 Exhibit 6. I just want to warn the jury. Do you  
4 recognize that photo?

5 A Yes.

6 Q What do you recognize that to be?

7 A The outside of the club.

8 Q That adequately represents the outside of  
9 Club Voodoo's?

10 A Yes.

11 Q And let me show you what's been marked as  
12 State's Exhibit 17. Do you recognize that area?

13 A Yes.

14 Q What do you recognize that area to be?

15 A It's the hallway into the place.

16 Q Okay. Do you also recognize the person in  
17 the photo?

18 A Yes.

19 Q Is that the victim, Carl Smalls?

20 A Yes.

21 Q I ask that State's Exhibits 6 and 17 be  
22 admitted into evidence.

23 THE COURT: Any objection, Mr.  
24 Littlejohn?

25 MR. LITTLEJOHN: May I see them, Your

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1 Honor?

2 THE COURT: Yes, sir.

3 MR. LITTLEJOHN: I have no objection.

4 THE COURT: Okay. Without objection,  
5 they're both admitted.

6 (State's Exhibits 6 and 17  
7 were received in evidence.)

8 Q The little numbers on here -- three, four,  
9 five, six -- those were there obviously during the  
10 murder, correct? Those were put there by the Sheriff's  
11 Department later, to your knowledge?

12 A Yes.

13 Q Okay. State's Exhibit 6, that shows the  
14 front entrance of Voodoo's, right?

15 A Yes.

16 Q And then there was an exit door. Point where  
17 the exit door is, because that's the entrance. So  
18 where's the exit door?

19 A Right beside it.

20 Q Up against that wall. And what door did you  
21 go through when you followed Jeroid Price into Club  
22 Voodoo's?

23 A The exit door.

24 Q Okay. And when you went in there, who were  
25 the only people in this area in State's Exhibit 17 at

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1 the time?

2 A Them two, to my eyesight.

3 Q So it was just Jeroid Price, the defendant,  
4 and then eventually yourself, of course, as you walked  
5 through that exit door?

6 A Yes.

7 Q Okay. And what did you say Jeroid was doing  
8 with his waist?

9 A He reached.

10 Q And what do you claim the victim did at that  
11 time?

12 A That's when he rushed --

13 Q Okay.

14 A -- started tussling, wrestling.

15 Q And what got pulled out?

16 A A pistol.

17 Q And you claim that you had to shoot in self-  
18 defense?

19 A Yes.

20 Q And nobody else was in that area other than  
21 the three of you?

22 A Not to my knowledge.

23 Q After you fired the gun, what did you do  
24 then?

25 A I ran.

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1 Q Okay. Where did you run to?

2 A I ran to the Rodeo outside, the truck.

3 Q What, if anything, did you hear or see as you  
4 were running to the Rodeo, to the truck?

5 A I heard gunshots when I was getting in the  
6 truck.

7 Q So how long after your first shot do you  
8 think you heard more shots?

9 A I'd say about 25 or 30 seconds. I'm not  
10 sure.

11 Q How long did it take you to run to the car?

12 A I'm not sure.

13 Q Do you remember what the gun looked like that  
14 appeared to come from the defendant's waist that they  
15 struggled over?

16 A I just know it was black -- I don't know. I  
17 couldn't describe it to you in detail.

18 Q It was black. And how did you leave the  
19 scene? Who did you leave with?

20 A Anthony Patrick.

21 Q Anybody else in the vehicle?

22 A Jason Woods.

23 Q And, again, that was in Mr. Patrick's green  
24 Rodeo?

25 A Yes.

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1 Q And did you tell anyone in the vehicle that  
2 night -- that morning -- what had happened?

3 A No.

4 Q So you had just shot someone, and you didn't  
5 tell anybody what happened?

6 A No.

7 Q Okay. Did you talk to the defendant on his  
8 cell phone immediately after the shooting?

9 A No.

10 Q Sir, did you not receive a telephone call at  
11 2:18 in the morning, right after the shooting?

12 A My battery's dead for my cell phone.

13 Q Yours were, but your friend's, Mr. Patrick's,  
14 weren't.

15 MR. LITTLEJOHN: Your Honor, I object to  
16 the leading questions.

17 MR. PASCOE: Well, now I'm asking to --

18 THE COURT: I understand. I'll grant  
19 you some leeway about that.

20 MR. PASCOE: Thank you, Your Honor.

21 Q Didn't you and Anthony Patrick receive a call  
22 at 2:18 and 41 seconds?

23 A Anthony Patrick could have received a call.  
24 I didn't receive a call.

25 Q And you didn't talk to the defendant on Mr.

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1 Patrick's phone?

2 A No.

3 Q Did you talk to him at 2:27 and 56 seconds?

4 A Two who?

5 Q 2:27 in the morning and 56 seconds.

6 A No.

7 Q So it's your testimony you did not talk to  
8 the defendant immediately after the shooting. When was  
9 the next time you talked to the defendant?

10 A I remember talking early in the morning the  
11 next day.

12 Q Okay. And what, if anything, did y'all talk  
13 about with regards to the shooting?

14 A We didn't.

15 Q So you just shot somebody, know that he was  
16 supposedly allegedly struggling over a gun with him,  
17 and you heard more shots, and y'all didn't talk about  
18 the shooting?

19 A No.

20 Q What was your home phone number back then,  
21 before I forget it?

22 A [REDACTED], I believe.

23 Q Now, where did Mr. Patrick and Mr. Woods take  
24 you after the shooting, after you left Voodoo's?

25 A To where I was staying at, Camden Station.

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1 Q Okay. What did you do with the gun?

2 A I left it in the truck.

3 Q Okay. You testified earlier that you had a  
4 roommate, Jamel Bryant. Did you tell him what  
5 happened?

6 A No, I did not.

7 Q Have you ever told him what happened?

8 A No.

9 Q Have you ever talked to the defendant, Jeroid  
10 Price, about the shooting?

11 A No.

12 Q Sir, you took off and left the state of South  
13 Carolina --

14 A Yes.

15 Q -- because of the charges of murder that were  
16 being brought?

17 A Yes.

18 Q Where did you go?

19 A I went to New Jersey, where my grandmother  
20 stays.

21 Q Do you know where the defendant went?

22 A I believe Virginia or --

23 MR. LITTLEJOHN: Your Honor, I'm object  
24 to anything he believes if he doesn't know of his own  
25 personal knowledge.

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1 THE COURT: Okay. Well, find out from  
2 him --

3 Q And do you know where the defendant is from?

4 A He was born in New York.

5 Q Did you have any contact with the defendant  
6 while you were on the run, sir?

7 A No.

8 Q Now, Mr. Brooks, you are charged with the  
9 murder of Carl Smalls, correct?

10 A Yes.

11 Q You know you're looking at 30 years to life,  
12 right?

13 A Yes.

14 Q Have I given you any deals for your  
15 testimony?

16 A No.

17 Q Okay. In fact, even before we ever met, you  
18 gave a statement to the police, correct?

19 A Yes.

20 Q Okay. Now, let me ask you some questions  
21 about your statement. I asked you earlier if Jeroid  
22 Price was a Blood, and you said you don't know. You  
23 remember that?

24 A Yes.

25 Q I want you to take a look at page two of your

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1 statement. And I'll point it out for you, sir.

2 Remember when the police asked you why the victim would  
3 confront Jeroid, and your answer was what?

4 A It says right here because he was a Blood,  
5 but I don't recall saying that.

6 Q You don't recall telling the police that?

7 A No.

8 Q But State's Exhibit 60 is your sworn  
9 statement that you signed, that's your signature,  
10 correct?

11 A Yes.

12 Q And you even had a lawyer there when you gave  
13 this statement, didn't you?

14 A Yes, I did.

15 Q Okay. And also again on page six, do you  
16 remember the police asking you -- I don't mean to put  
17 my arm in your face -- "What can you tell me about  
18 Jeroid's gang affiliation?" Do you remember what your  
19 answer was? Did you tell the police, sir, "I know he's  
20 a Blood, and he is probably GKB"? You don't remember  
21 that?

22 A No.

23 Q And do you remember when they asked you about  
24 JayLu, what sect of Blood he was in? Do you remember  
25 what your response was?

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1 A Yes.

2 Q "I know that JayLu is a Nine Tre, which is a  
3 Blood sect" -- do you remember that?

4 A Yes.

5 Q So you do remember saying that, but you don't  
6 remember saying Jeroid Price is a Blood, right?

7 A No.

8 Q So, basically, when Carl Smalls was throwing  
9 up these signs, you guys -- you and Jeroid Price --  
10 really didn't know what the heck he was doing. Neither  
11 one of you are Bloods, right --

12 A Yes.

13 Q -- or you don't know that he's one, correct?  
14 You're definitely not one, isn't that right?

15 A Yes.

16 Q And you were with Jeroid Price that night  
17 during all of this stuff with Carl Smalls before the  
18 shooting, correct?

19 A Yes.

20 Q You were there when Carl and Jeroid were in  
21 each other's face?

22 A Yes.

23 Q You had to be thinking, "What in the heck is  
24 this guy doing? We're not Bloods," isn't that right?

25 A Yes.

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1 Q And before I forget, the person that you know  
2 as Jeroid Price, do you see him in the courtroom today?

3 A Yes.

4 Q If you could, point him out for the jury.

5 A Right there.

6 Q The defendant, with his attorneys?

7 A Yes.

8 Q Is he the person that was struggling  
9 allegedly over a gun with Carl Smalls?

10 A Yes.

11 Q Okay. Of course, by not being a Blood,  
12 neither one of you have a motive for killing Carl  
13 Smalls, isn't that true? You don't have a motive.

14 MR. LITTLEJOHN: Your Honor, I object to  
15 the leading question.

16 MR. PASCOE: I ask for some leeway, Your  
17 Honor, please.

18 THE COURT: Okay. Let me get you all to  
19 approach.

20 BAILIFF: Quiet, please.

21 Q Let me show you what's been marked as State's  
22 Exhibit 12. You and Jeroid Price did not have a motive  
23 to kill Carl Smalls, did you?

24 A I didn't kill Carl Smalls.

25 Q Well, you shot him. Neither one of you had a

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1 motive to shoot Carl Smalls, correct?

2 A Yes.

3 Q Because you're not Bloods, right? All right,  
4 before I forget, let me show you what's been marked as  
5 State's Exhibit 41. Do you recognize the person in the  
6 top picture?

7 A That's me.

8 Q That's you, correct?

9 A Right.

10 Q Just for ID. Now, how was your hair back in  
11 December of last year and prior to that?

12 A What do you mean, prior?

13 Q Did Jeroid Price and you ever have hair that  
14 looked alike?

15 A No.

16 Q Do you ever look anything like Jeroid Price?

17 A No.

18 Q Just to point that out, let me show you  
19 State's Exhibits 50 and 51. Do you recognize those  
20 photos?

21 A Yes.

22 Q Who are they?

23 A Me.

24 Q Do they accurately depict the way you looked  
25 prior to December of last year, that you had a lot more

Ryan Brooks - Direct

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1 hair than Jeroid Price?

2 A Yes.

3 Q I'd ask that State's Exhibits 50 and 51 be  
4 admitted into evidence.

5 THE COURT: Okay. Any objection?

6 MR. LITTLEJOHN: No objection.

7 THE COURT: Okay. Without objection,  
8 they're both admitted.

9 (State's Exhibits 50 and 51  
10 were received in evidence.)

11 Q But you'd agree with me you're not a Blood,  
12 but you do like the color red, don't you?

13 A I had a shirt on. That doesn't mean I like  
14 the color red. I just wear clothes.

15 Q I'll ask you one more time, are you a Blood?

16 A No.

17 Q Let me show you what's been marked as State's  
18 Exhibit 52. Did you know I had that?

19 A No.

20 Q Who is in that picture?

21 A Me.

22 Q Does that accurately depict you in that  
23 picture? It's you. I'd ask that State's Exhibit 52 be  
24 admitted into evidence.

25 THE COURT: Any objection? Yes, sir.

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1 MR. LITTLEJOHN: Your Honor, technically  
2 I don't know if he's laid a proper foundation, not  
3 technically --

4 MR. PASCOE: He just said it's him.

5 THE COURT: He identified both of them.

6 MR. PASCOE: Thank you. I'd ask that  
7 State's Exhibit 52 be admitted into evidence.

8 THE COURT: It's admitted.

9 (State's Exhibit 52 was  
10 received in evidence.)

11 Q Do you know where I got that, Mr. Brooks?

12 A No, I don't.

13 Q Would you be surprised if it came from your  
14 buddy's apartment? Would that shock you?

15 A I don't know.

16 Q Tell the jury what you're doing with your  
17 left hand. That's not a "B," is it?

18 A No, it's not.

19 Q No. Tell the jury what you're doing with  
20 your right hand. That's not a red handkerchief, is it?

21 A Yes, it is.

22 Q You're not a Blood, are you, Mr. Brooks?

23 A No.

24 THE COURT: You can pass that around.

25 Q You didn't know I had that, did you?

Ryan Brooks - Direct

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1 A No.

2 Q You did have a motive to kill Carl Smalls,  
3 didn't you?

4 A No.

5 Q Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 Q And, once again, absolutely no deals for your  
8 testimony, isn't that true, sir?

9 A Yes.

10 Q That's all I have, Your Honor.

11 THE COURT: Thank you, Mr. Pascoe.

12 THE COURT: Mr. Littlejohn.

13 MR. LITTLEJOHN: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. LITTLEJOHN:

16 Q Mr. Brooks, my name is Cam Littlejohn. I  
17 represent Jeroid Price. You turned yourself in in  
18 January --

19 A Yes.

20 Q -- is that right?

21 A Yes.

22 Q You came in with Mr. Roberts, who was your  
23 attorney at that time?

24 A Yes.

25 Q And at that time, you agreed to give a

Ryan Brooks - Cross

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1 statement --

2 A Yes.

3 Q -- is that correct?

4 A Yes.

5 Q Okay. Now, I believe you indicated when Mr.  
6 Pascoe was asking you questions that, between December  
7 7th when the shooting incident took place and when you  
8 turned yourself in, you hadn't talked with Jeroid Price  
9 about what happened that night --

10 A No.

11 Q -- is that right?

12 A Yes.

13 Q You talked to him one time on the morning of  
14 December 7th --

15 A Yes.

16 Q -- is that correct?

17 A Yes.

18 Q And that's the only time you talked to him  
19 between the day of the shooting -- or the night of the  
20 shooting -- and when you gave your statement?

21 A Yes.

22 Q Okay. Now, Mr. Brooks, let's go into a  
23 little detail about what happened on that particular  
24 night. You said you had gone to the club and gotten

Ryan Brooks - Cross

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1       there, I believe you indicated, it was about midnight  
2       or 1:00 --

3             A     Yes.

4             Q     -- very late?

5             A     Yes.

6             Q     And you went there with Jason Woods and  
7       Anthony Patrick?

8             A     Yes.

9             Q     Okay. When you got there, was Jeroid already  
10       there?

11            A     Yes.

12            Q     Okay. Did you talk to Jeroid?

13            A     I don't recall.

14            Q     You don't recall?

15            A     You can't talk in a club, because the music's  
16       loud.

17            Q     Too loud, okay. Now, how long had you been  
18       in the club when you saw Carl Smalls?

19            A     How long was I in there?

20            Q     Yes, sir.

21            A     I guess 30 minutes. That's guessing.

22            Q     Thirty minutes?

23            A     Yes.

24            Q     Maybe 40 minutes? I think that's what you

Ryan Brooks - Cross

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1 said in your statement.

2 A Around that time.

3 Q Okay. Now, when you first saw Mr. Smalls,  
4 what happened? What did he do?

5 A He was talking loud and moving.

6 Q Did he come up and say anything to you and  
7 Jeroid?

8 A He said something, but I couldn't hear him  
9 because of the music being loud.

10 Q Okay. Did he say something about knowing  
11 your "punk ass"?

12 A Yes, I think he did.

13 Q Do you remember him making that statement?

14 A Yes, I think he did say something like that.

15 Q What did he say, as best you can recall?

16 A "I know your bitch ass" -- something like  
17 that. It was something slick.

18 Q Okay. Who did Mr. Smalls say that to?

19 A That's what I don't know. He was over by me,  
20 but I don't know if he was directing it to me, or  
21 everybody that was around me, or whatever.

22 Q Okay. Now, did you recognize him at that  
23 time?

24 A What do you mean, recognize?

Ryan Brooks - Cross

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1 Q Had you seen him before, Carl Smalls?

2 A I had seen him before in a club.

3 Q Okay. Did you know him?

4 A No.

5 Q Okay. Do you know why he would come up and  
6 speak to you or people that you were with like that?

7 A No.

8 Q Now, after he made this statement about "punk  
9 ass," or "bitch ass," or whatever, did he make any  
10 other statements at that time to you or Jeroid?

11 A I don't recall at that time, no.

12 Q Okay. Now, as the night went on after that,  
13 what did you observe Carl Smalls doing?

14 A He was throwing up signs and doing some kind  
15 of dance that they do.

16 Q He was doing some kind of dance that they do.  
17 Who is "they"?

18 A I believe gang members.

19 Q What kind of gang members?

20 A Excuse me?

21 Q What kind of gang members?

22 A Crips.

23 Q Crips?

24 A Yes.

Ryan Brooks - Cross

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1 Q Is there something called a Crip walk? Are  
2 you familiar with that?

3 A I believe so.

4 Q Was that what he was doing?

5 A I believe so.

6 Q You say he was throwing up signs. Explain  
7 that a little better.

8 A I couldn't explain the signs. It was just  
9 hand motions.

10 Q Okay. Now, you indicated there was a guy  
11 named JayLu there.

12 A Yes.

13 Q Do you know JayLu's full name?

14 A No, I don't.

15 Q After that, did Carl Smalls come up and  
16 confront you again?

17 A Huh-huh.

18 Q Did he ever call you another name?

19 A No.

20 Q Do you recall him calling you a slob?

21 A No.

22 Q You don't remember that?

23 A No.

24 Q Do you remember putting that in your

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1 statement on January 9th?

2 A No.

3 Q Let me show you this document, and you see if  
4 this refreshes your memory. Does that appear to be a  
5 page of your statement? And I think you've got a copy  
6 right in front of you.

7 A Uh-huh.

8 Q Do you see page two? Have you got page two?

9 A Yes.

10 Q Flip to page two there. Look at that last  
11 full paragraph, about halfway down. Do you recall now  
12 whether he called you a slob or not?

13 A I still don't recall him calling me that.

14 Q Okay. Do you remember putting that in your  
15 statement?

16 A It's here.

17 Q Okay. Do you remember trying to talk to Mr.  
18 Smalls and explain to him that --

19 A Yes.

20 Q -- maybe you weren't such a bad guy after  
21 all?

22 A Yes.

23 Q Did that do any good?

24 A No.

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1 Q How did he appear to you to be? Did he  
2 appear to be under the influence of anything?

3 A I believe so, maybe drunk.

4 Q Okay. That's the way you observed him  
5 acting?

6 A Yes.

7 Q Okay. Now, Mr. Brooks, do you remember what  
8 time the party let out -- what time it was over with?

9 A I don't remember.

10 Q Okay. Could it have been around 2:00? Does  
11 that sound about right?

12 A Yes.

13 Q What stopped the party? What ended the  
14 party?

15 A I think it was just time to go home --

16 Q Okay.

17 A -- time to close.

18 Q Did the DJ say it's over with, or did the  
19 security people say something, or do you know?

20 A The DJ's the one that says it's over with,  
21 but I don't recall him saying it.

22 Q Okay. Now, I believe you indicated to Mr.  
23 Pascoe that you went outside --

24 A Yes.

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1 Q -- when the party was over with or supposedly  
2 over with, is that right?

3 A Yes.

4 Q You went out to the Rodeo that you were in?

5 A Uh-huh.

6 Q And I believe you said you got your gun at  
7 that time?

8 A Yes.

9 Q Okay. And you indicated that the reason you  
10 got your gun was you were afraid you might get robbed?

11 A Yes.

12 Q What were you afraid of?

13 A Getting robbed.

14 Q Okay. By whom?

15 A Robbers.

16 Q By robbers?

17 A Yes.

18 Q Okay. You were concerned about that?

19 A Yes.

20 Q Had you had previous experience with  
21 something like that?

22 A No, I just heard of it.

23 Q Okay. Now, Mr. Brooks, after you got your  
24 gun out of your car, did you go back toward the club?

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1 A Yes.

2 Q Okay. And I believe you indicated to Mr.  
3 Pascoe you went toward this exit door that's shown in  
4 State's Exhibit 6, is that right?

5 A Yes.

6 Q Okay. Now, were there people out here, out  
7 in this area in front of the door?

8 A And on the street.

9 Q They were on the street?

10 A Yes, cars.

11 Q Okay. And that was in front of, I guess,  
12 both the entrance and the exit door, is that right?

13 A I believe so, yes.

14 Q Okay. And for clarification, this picture  
15 actually just shows the entrance door, isn't that  
16 right?

17 A Yes.

18 Q Okay. And there is an exit door that I  
19 believe as you're looking at the picture would be on  
20 the left over here --

21 A Yes.

22 Q -- opposite the trash can, is that right?

23 A Yes.

24 Q Okay. Now, you told Mr. Pascoe after you got

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1 your gun, you went to the back to the club, you went to  
2 the exit door, is that right?

3 A Yes.

4 Q Okay. Was the exit door open or closed?

5 A I believe open.

6 Q You think it was open?

7 A Yes, I remember open.

8 Q Could it have been cracked open? Do you  
9 remember?

10 A I think it was wide open.

11 Q You think it was wide open?

12 A Yes.

13 Q Do you remember whether it was cracked open  
14 or wide open?

15 A I can't remember. I know I didn't open it,  
16 so it had to be either one.

17 Q So you're sure it wasn't closed?

18 A Yes.

19 Q Okay. Now, you indicated to Mr. Pascoe when  
20 you got into that area, you saw Jeroid Price and Carl  
21 Smalls, is that right?

22 A Yes.

23 Q Okay. Now, Mr. Brooks, at the time, were  
24 there words being exchanged between Jeroid Price and

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1 Carl Smalls?

2 A I believe so.

3 Q Okay. Do you remember hearing Carl Smalls  
4 use the "F" word?

5 A I think so.

6 Q What did he say?

7 A "Fuck" something -- "fuck this," or "fuck  
8 that." I can't remember.

9 Q And who was he directing these words to?

10 A I believe Jeroid. He wasn't talking to me.

11 Q Okay. Then did you hear Jeroid reply to  
12 that?

13 A Not really.

14 Q Did you hear Jeroid say, "Man?"

15 A He might have.

16 Q Okay. Let me get you to refer to your  
17 statement again, on page three, that first full  
18 paragraph, the sixth line down. Do you recall putting  
19 in your statement that Jeroid said, "Man. It was a  
20 wrong ass, man," like "leave me alone?"

21 A Yes.

22 Q Do you remember saying that? Isn't that what  
23 happened?

24 A I didn't say it. I remember hearing it.

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1 Q Okay. But isn't that what happened?

2 A Yes.

3 Q Okay. Now, isn't it true, Mr. Brooks, at  
4 that point you saw Carl Smalls rush Jeroid Price?

5 A Yes.

6 Q Isn't that right -- he went after Jeroid  
7 Price, and Jeroid's back was to the wall?

8 A Yes.

9 Q And as you're looking in that exit door,  
10 Jeroid's to your left with his back to the wall, isn't  
11 that right?

12 A Yes.

13 Q And Carl Smalls was coming from your right to  
14 your left, isn't that right?

15 A Say that again?

16 Q I say as you're leaving through that exit  
17 door, Carl Smalls was coming from your right to the  
18 left going toward Jeroid Price.

19 A Yes.

20 Q Isn't that how it happened?

21 A Yes.

22 Q Okay. And when Carl Smalls rushed Jeroid  
23 Price, he grabbed him and pushed him up against the  
24 wall, isn't that right?

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1 A Yes.

2 Q And, again, how big do you recall Carl Smalls  
3 being?

4 A Taller than me.

5 Q Taller than you. And you're what?

6 A About 6'1" or 6'2".

7 Q Was he taller than me?

8 A I don't know -- might have been. How tall  
9 are you?

10 Q I have to ask the questions, okay?

11 A I don't know -- might be. He was taller than  
12 me.

13 Q Okay. And he was taller than you?

14 A Yes.

15 Q Heavier than you?

16 A Yes.

17 Q You'd say a lot heavier than you?

18 A I wouldn't say a lot, but he was bigger than  
19 me.

20 Q He was a real big man, wasn't he?

21 A Yes.

22 Q Played defensive tackle.

23 A I don't know about all that.

24 Q Do you think he could have weighed 280

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1 pounds, probably --

2 A Might could have weighed more.

3 Q -- or might have weighed more?

4 A Yes.

5 Q Okay. So he rushed Jeroid Price and had him  
6 pinned up against a wall, right?

7 A Yes.

8 Q Okay. And then, Mr. Brooks, he got into a  
9 tussle with Jeroid Price over a gun, isn't that right?

10 A Yes.

11 Q You saw that tussle. You saw Carl Smalls  
12 going for the gun that Jeroid Price had, isn't that  
13 right?

14 A Yes.

15 Q I need you to answer up, sir.

16 A Yes.

17 Q Okay. They both had hands on that gun, isn't  
18 that right?

19 A Yes.

20 Q And while they're going for that gun, Carl  
21 Smalls, all 280 pounds of him, has got Jeroid Price up  
22 against a wall, isn't that right?

23 A Yes.

24 Q Okay. And you got scared because you thought